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PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

3

joint with the

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COMMITTEE ON OVERSIGHT AND REFORM

5

and the

6

COMMITTEE ON FOREIGN AFFAIRS,

7

U.S. HOUSE OF REPRESENTATIVES,

8

WASHINGTON, D.C.

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DEPOSITION OF: MARIE "MASHA" YOVANOVITCH

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Friday, October 11, 2019

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Washington, D.C.

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The interview in the above matter was held in Room

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HVC-304, Capitol Visitor Center, commencing at 10:38 a.m.

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Present: Schiff, Himes, Quigley, Heck, and Maloney.

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Also Present: Representatives Norton, Plaskett, Raskin,

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Jordan, Meadows, Malinowski, Perry, and Zeldin.

1     Appearances:

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4     For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

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6     [REDACTED]

7     [REDACTED]

8     [REDACTED]

9     [REDACTED]

10    [REDACTED]

11    [REDACTED]

12    [REDACTED]

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14    [REDACTED]

15    [REDACTED]

16    [REDACTED]

17    [REDACTED]

18    [REDACTED]

19    [REDACTED]

20    [REDACTED]

21    [REDACTED]

22    [REDACTED]

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25    For the COMMITTEE ON OVERSIGHT AND REFORM:



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For the Committee ON FOREIGN AFFAIRS:

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For MARIE YOVANOVITCH:

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LAWRENCE S. ROBBINS, ESQ.

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LAURIE RUBENSTEIN, ESQ.

18

RACHEL S. LI WAI SUEN, ESQ.

19

ROBBINS, RUSSELL, ENGLERT, ORSECK,

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1           THE CHAIRMAN: Okay. The committee will come to order.  
2       Good morning, Ambassador, and welcome to the House Permanent  
3       Select Committee on Intelligence, which along with the  
4       Foreign Affairs and Oversight, Committees, is conducting this  
5       investigation as part of the official impeachment inquiry of  
6       the House of Representatives.

7           Today's deposition is being conducted as part of the  
8       inquiry. On behalf of all of us today, on both sides of the  
9       table, I want to thank you for your decades of service to the  
10      Nation, and especially for so ably representing the United  
11      States as our Ambassador to Armenia, Kyrgyzstan, and Ukraine.  
12      As you know firsthand, the post-Soviet space has presented a  
13      myriad of challenges for success of American administrations.  
14      And as the successor states, the former USSR continue to  
15      grapple with the consequences of 70 years of Communism.

16           I've read about the curtailment of your posting in Kyiv,  
17      and I have seen the shameful attacks made on you by those who  
18      lack your character and devotion to country. While we will  
19      doubtless explore more fully the circumstances of your  
20      premature recall during this interview, I'm appalled that any  
21      administration would treat a dedicated public servant as you  
22      have been treated.

23           As you know, the White House and the Secretary of State  
24      have spared no effort in trying to prevent you and others  
25      from meeting with us to tell us the facts. Because of the

1 administration's efforts to block your deposition and  
2 obstruct your inquiry, the committee had no choice but to  
3 compel your appearance today. We thank you for complying  
4 with the duly authorized congressional subpoena.

5 Finally, I want you to know that the Congress will not  
6 tolerate any attempt to retaliate against you or to exact  
7 retribution of any kind. We expect that you'll be treated in  
8 accordance with your rank, and offered assignments  
9 commensurate with your expertise and long service. Should  
10 that not be the case, we will hold those responsible to  
11 account.

12 Before I turn to committee counsel to begin the  
13 deposition, I invite Ranking Member Nunes or any member of  
14 HPSCI, or in their absence, any of my minority colleagues to  
15 make opening remarks on Mr. Nunes' behalf.

16 MR. JORDAN: Thank you, Mr. Chairman. Just for the  
17 record, on October 2nd, 2019, the Speaker of the House, Nancy  
18 Pelosi, said that she would treat the President with  
19 fairness. Fairness requires certain things. Just a few  
20 minutes ago, the chairman of the Intel Committee said that  
21 this is an official impeachment inquiry.

22 If it's an official impeachment inquiry, we should be  
23 following precedent. Every recent impeachment has permitted  
24 minority subpoenas. The right of the minority to issue  
25 subpoenas subject to the same rules as the majority has been

1 the standard bipartisan practice in all recent resolutions  
2 authorizing presidential impeachment inquiries. That is not  
3 the case today, has not been the case since this, quote,  
4 "official impeachment inquiry" began.

5 Democrats' failure to provide ranking members with equal  
6 subpoena power shows this is a partisan investigation.  
7 Second, Democrats have threatened witnesses who request  
8 agency counsel to be present for their transcribed interview  
9 and/or deposition. State Department lawyers have a right to  
10 protect executive branch interests, including national  
11 security interests. Democrats have threatened to withhold  
12 salaries of State Department officials who ask for the  
13 presence of State Department lawyers in depositions.

14 I've been in countless number of depositions and/or  
15 transcribed interviews, this is only the second one I've ever  
16 seen where agency counsel was not permitted to be in the room  
17 when a witness was deposed or asked questions, the first was  
18 last Thursday. The first witness as a part of this, quote,  
19 "official impeachment inquiry."

20 And, finally, fairness requires due process. The  
21 President and minority should have the right to see all  
22 evidence, both favorable and unfavorable. The President and  
23 minority should have the ability to present evidence bearing  
24 on the credibility of testifying witnesses. The President  
25 and the minority should have the ability to raise objections

1 relating to examination of witnesses, and the admissibility  
2 of testimony and evidence. And the President and the  
3 minority should have the ability to respond to all evidence  
4 and testimony presented.

5 With that, I would like to yield to my colleague from  
6 the Foreign Affairs Committee, Mr. Zeldin, for a few items to  
7 put on the record as well.

8 MR. ZELDIN: Yesterday, Ranking Member McCaul sent a  
9 letter to Chairman Engel consistent with what Mr. Jordan was  
10 just referencing on the record, calling on the chair to honor  
11 the bipartisan Rodino Hyde precedence that governed both the  
12 Nixon and Clinton impeachment inquiries, which guaranteed the  
13 President's counsel the right to participate in these  
14 proceedings, and allowed the minority to exercise coequal  
15 subpoena authority.

16 Moving on. The question is, what specific provision of  
17 House rules gives the House Permanent Select Committee on  
18 Intelligence the jurisdiction and authority to convene an  
19 investigative inquiry of a State Department diplomat  
20 regarding the conduct of U.S. foreign policy toward Ukraine?  
21 That is clearly the jurisdiction of the Foreign Affairs  
22 Committee, and to date, the House has not voted to give the  
23 Intel Committee any additional authority to conduct an  
24 impeachment inquiry outside of its jurisdictional lane, which  
25 concerns intelligence-related activities.

1           Can you please point us to anything in the House rules  
2           that gives you this authority?

3           THE CHAIRMAN: We're going to move forward with the  
4           deposition rather than address the mischaracterizations of  
5           both impeachment history and inquiries and process. I would  
6           now recognize Mr. Goldman.

7           MR. MEADOWS: Mr. Chairman, point of order. Point of  
8           order.

9           THE CHAIRMAN: My colleague, we're not going to allow --

10          MR. MEADOWS: Well, you can't not allow -- I'm here to  
11          tell you, Mr. Schiff --

12          THE CHAIRMAN: We're not going to allow any dilatory --

13          MR. MEADOWS: -- you know the House rules allows for  
14          point of order in any --

15          THE CHAIRMAN: State your point of order.

16          MR. MEADOWS: The point of order is the rules of the  
17          House are very clear. The gentleman raised a valid point  
18          that there are no rules that would give the authority of you  
19          to actually depose this witness. And so, under what  
20          authority -- I would say you're out of order.

21          THE CHAIRMAN: I appreciate your opinion, but the House  
22          deposition rules say otherwise. So, Mr. Goldman, you are  
23          recognized.

24          MR. ZELDIN: Point of order, though, we are asking what  
25          that rule is that gives you the authority to conduct today's

1 deposition.

2 MR. MEADOWS: Rule 11 doesn't outline anything.

3 THE CHAIRMAN: We won't allow any further dilatory  
4 motions. Mr. Goldman, you're recognized.

5 MR. ZELDIN: We're asking a simple question.

6 MR. GOLDMAN: This is the deposition of Ambassador Marie  
7 Yovanovitch conducted by the House Permanent Select Committee  
8 on Intelligence, also called HPSCI, pursuant to the  
9 impeachment inquiry announced by the Speaker of the House on  
10 September 24th.

11 MR. GOLDMAN: Ambassador Yovanovitch, could you please  
12 state your full name and spell your last name for the record.

13 MR. ROBBINS: I'm sorry, before we begin the deposition.  
14 Sorry, I represent the witness. My name is Larry Robbins.  
15 The ambassador has an opening statement to make.

16 MR. GOLDMAN: We're going to get to that.

17 MR. ROBBINS: I see.

18 MR. GOLDMAN: After we lay out the ground rules here,  
19 we'll turn it over to the Ambassador.

20 MR. ROBBINS: Okay. It's a deal.

21 MR. GOLDMAN: All right. If you could go ahead and  
22 please state your full name and spell it for the record.

23 MS. YOVANOVITCH: Marie Louise Yovanovitch. Marie,  
24 M-A-R-I-E, Louise, L-O-U-I-S-E, Yovanovitch,  
25 Y-O-V-A-N-O-V-I-T-C-H.

1           MR. GOLDMAN: Thank you. Along with other proceedings  
2           in furtherance of the inquiry, the deposition is part of a  
3           joint investigation led by the Permanent Select Committee on  
4           Intelligence in coordination with the Committee on Foreign  
5           Affairs, and the Committee on Oversight and Reform.

6           In the room today, I believe, are at least given the  
7           option of having two majority staff and two minority staff  
8           from both the Foreign Affairs and the Oversight Committees,  
9           as well as majority and minority staff from HPSCI. This is a  
10          staff-led deposition, but members, of course, may ask  
11          questions during the allotted time.

12          My name is Daniel Goldman, I'm a senior advisor and  
13          director of investigations for the HPSCI majority staff, and  
14          I'd like to thank you for coming in today for this  
15          deposition. I'd like to do some brief introductions. To my  
16          right is Nicolas Mitchell, senior investigative counsel for  
17          HPSCI. Mr. Mitchell and I will be conducting most of the  
18          interview for the majority.

19          And I will now let my counterparts who will be asking  
20          any questions introduce themselves.

21          MR. CASTOR: Good morning, Ambassador. My name is Steve  
22          Castor, I'm a staffer with the Oversight and Government  
23          Reform Committee, minority staff.

24          MR. BREWER: Good morning. I'm David Brewer from  
25          Oversight as well.



1           MR. GOLDMAN: This deposition will be conducted entirely  
2           at the unclassified level. However, the deposition is being  
3           conducted in HPSCI's secure spaces, and in the presence of  
4           staff who all have appropriate security clearances. It is  
5           the committee's expectation that neither questions asked of  
6           the witness nor answers by the witness or the witness'  
7           counsel will require discussion of any information that is  
8           currently, or at any point could be properly classified under  
9           executive order 13526.

10           Moreover, E0-13526 states that, quote, "in no case shall  
11           information be classified, continue to be maintained as  
12           classified, or fail to be declassified," unquote, for the  
13           purpose of concealing any violations of law or preventing  
14           embarrassment of any person or entity. If any of our  
15           questions can only be answered with classified information,  
16           Ambassador Yovanovitch, we'd ask you to inform us of that and  
17           we will adjust accordingly.

18           I would also just note for the record that my  
19           understanding is that Ambassador Yovanovitch's counsel also  
20           has the necessary security clearances. Is that right?

21           MR. ROBBINS: That is correct.

22           MR. GOLDMAN: All right. Today's deposition is not  
23           being taken in executive session, but because of the  
24           sensitive and confidential nature of some of the topics and  
25           materials that will be discussed, access to the transcript of

1 the deposition will be limited to three committees in  
2 attendance. You and your attorney will have an opportunity  
3 to review the transcript as well. Per the House rules for  
4 this deposition, no members or staff may discuss the contents  
5 of this deposition outside of the three committees, including  
6 in public.

7 Before we begin, I'd like to briefly go over the ground  
8 rules for this deposition. We'll be following the House  
9 regulations for depositions. We have previously provided  
10 your counsel with a copy of those regulations, and we have  
11 copies here if you would like to review them at any time.  
12 The deposition will proceed as follows:

13 The majority will be given 1 hour to ask questions and  
14 then the minority will be given 1 hour to ask questions.  
15 Thereafter, we will alternate back and forth between majority  
16 and minority in 45-minute rounds until questioning is  
17 complete. We will take periodic breaks, but if you need a  
18 break at any time, please let us know.

19 Under the House deposition rules, counsel for other  
20 persons or government agencies may not attend. And we can  
21 point you to the deposition rule if anyone would like to look  
22 at it. You are allowed to have an attorney present during  
23 this deposition, and I see that you have brought three. And  
24 at this time, if counsel could state their names for the  
25 record.

1           MR. ROBBINS: So I'm Lawrence Robbins from the firm of  
2 Robbins Russell, representing the Ambassador. With me are  
3 Laurie Rubenstein and Rachel Li Wai Suen, also from our firm,  
4 also for the witness.

5           MR. GOLDMAN: There is a stenographer, or two, taking  
6 down everything that is said here in order to make a written  
7 record of the deposition. For the record to be clear, please  
8 wait until the questions are finished before you begin your  
9 answer, and we will wait until you finish your response  
10 before asking the next question. The stenographer cannot  
11 record nonverbal answers, such as shaking your head. So it  
12 is important that you answer each question with an audible  
13 verbal answer.

14           We ask that you give complete replies to questions based  
15 on your best recollection. If the question is unclear or you  
16 are uncertain in your response, please let us know. And if  
17 you do not know the answer to a question or cannot remember,  
18 simply say so.

19           You may only refuse to answer a question to preserve a  
20 privilege that is recognized by the committee. If you refuse  
21 to answer a question on the basis of privilege, staff may  
22 either proceed with the deposition or seek a ruling from  
23 Chairman Schiff on the objection during the deposition at a  
24 time of the majority staff's choosing. If the chair  
25 overrules any such objection during the deposition, you are

1 required to answer the question. These are the House  
2 deposition rules.

3 Finally, you are reminded that it is unlawful to  
4 deliberately provide false information to Members of Congress  
5 or staff. It is imperative that you not only answer our  
6 questions truthfully, but that you give full and complete  
7 answers to all questions asked of you. Omissions may also be  
8 considered false statements.

9 Now, as this deposition is under oath, Ambassador  
10 Yovanovitch, would you please raise your right hand and stand  
11 and you'll be sworn in. Do you swear or affirm that the  
12 testimony you are about to give is the whole truth and  
13 nothing but the truth?

14 MS. YOVANOVITCH: I do.

15 MR. GOLDMAN: Thank you. The record will reflect that  
16 the witness has been duly sworn, and you may be seated. Now,  
17 Ambassador Yovanovitch, I understand you have some opening  
18 remarks and now is the time to do them.

19 MS. YOVANOVITCH: Thank you. Chairman Schiff,  
20 Mr. Jordan, and other members and staff who are here today.  
21 I really do thank you for the opportunity to start with a  
22 statement. And I'd like to introduce myself. For the  
23 last -- for the last 33 years, it's been my great honor to  
24 serve the American people as a Foreign Service Officer over  
25 six administrations, four Republican and two Democrat. I

1        have served in seven different countries; five of them have  
2        been hardship posts, and I was appointed to serve as an  
3        ambassador three times, twice by a Republican President, once  
4        by a Democratic President.

5            Throughout my career, I have stayed true to the oath  
6        that Foreign Service Officers take and observe every day,  
7        that I will support and defend the Constitution of the United  
8        States against all enemies, foreign and domestic, and that I  
9        will bear true faith and allegiance to the same. Like all  
10       Foreign Service Officers with whom I have been privileged to  
11       serve, I have understood that oath as a commitment to serve  
12       on a strictly nonpartisan basis, to advance the foreign  
13       policy determined by the incumbent President, and to work at  
14       all times to strengthen our national security and promote our  
15       national interests.

16           I come by these beliefs honestly and through personal  
17        experience. My parents fled Communist and Nazi regimes. And  
18        having seen, firsthand, the war and poverty and displacement  
19        common to totalitarian regimes, they valued the freedom and  
20        democracy the U.S. offers, and that the United States  
21        represents. And they raised me to cherish those values as  
22        well.

23           Their sacrifice allowed me to attend Princeton  
24        University, where I focused my studies on the former Soviet  
25        Union. And given my upbringing and my background, it has

1       been the honor of a lifetime to help to foster those  
2       principles as a career Foreign Service Officer. From  
3       August 2016 until May 2019, I served as the U.S. Ambassador  
4       to Ukraine. Our policy, fully embraced by Democrats and  
5       Republicans alike, was to help Ukraine become a stable and  
6       independent democratic state, with a market economy  
7       integrated into Europe. Ukraine is a sovereign country whose  
8       borders are inviolate, and whose people have the right to  
9       determine their own destiny. These are the bedrock  
10      principles of our policy.

11           Because of Ukraine's geostrategic position bordering  
12      Russia on its east, the warm waters of the oil-rich Black Sea  
13      to its south, and four NATO allies to its west, it is  
14      critical to the security of the United States that Ukraine  
15      remain free and democratic, and that it continue to resist  
16      Russian expansionism.

17           Russia's purported annexation of Crimea, its invasion of  
18      Eastern Ukraine, and its de facto control over the Sea of  
19      Azov, make clear Russia's malign intentions towards Ukraine.  
20      If we allow Russia's actions to stand, we will set a  
21      precedent that the United States will regret for decades to  
22      come.

23           So supporting Ukraine's integration into Europe and  
24      combating Russia's efforts to destabilize Ukraine have  
25      anchored our policy since the Ukrainian people protested on

1       the Maidan in 2014 and demanded to be a part of Europe and  
2       live according to the rule of law. That was U.S. policy when  
3       I became ambassador in August 2016, and it was reaffirmed as  
4       that policy as the policy of the current administration in  
5       early 2017.

6               The Revolution of Dignity and the Ukrainian people's  
7       demand to end corruption forced the new Ukrainian Government  
8       to take measures to fight the rampant corruption that long  
9       permeated that country's political and economic systems. We  
10      have long understood that strong anti-corruption efforts must  
11      form an essential part of our policy in Ukraine, and now  
12      there was a window of opportunity to do just exactly that.

13             And so why is that important? And why is it important  
14      to us? Put simply, anti-corruption efforts serve Ukraine's  
15      interests, but they also serve ours as well. Corrupt leaders  
16      are inherently less trustworthy, while honest and accountable  
17      Ukrainian leadership makes a U.S.-Ukraine partnership more  
18      reliable and more valuable to us. A level playing field in  
19      this strategically located country, one with a European  
20      landmass exceeded only by Russia, and with one of the largest  
21      populations in Europe, creates an environment in which U.S.  
22      business can make more easily trade, invest, and profit.  
23      Corruption is a security issue as well because corrupt  
24      officials are vulnerable to Moscow. In short, it is in our  
25      national security interest to help Ukraine transform into a

1 country where the rule of law governs and corruption is held  
2 in check.

3 But change takes time, and the aspiration to instill  
4 rule of law of values has still not been fulfilled. Since  
5 2014, Ukraine has been at war, not just with Russia, but  
6 within itself, as political and economic forces compete to  
7 determine what kind of country Ukraine will become. The same  
8 old oligarch-dominated Ukraine where corruption is not just  
9 prevalent, but frankly is the system. Or the country that  
10 Ukrainians demanded in the Revolution of Dignity. A country  
11 where rule of law is the system, corruption is tamed, and  
12 people are treated equally, and according to the law.

13 During the 2019 presidential elections in Ukraine, the  
14 people answered that question once again. Angered by  
15 insufficient progress in the fight against corruption,  
16 Ukrainian voters overwhelmingly voted for a man who said that  
17 ending corruption would be his number one priority. The  
18 transition, however, created fear among the political elite,  
19 setting the stage for some of the issues I expect we will be  
20 discussing today.

21 Understanding Ukraine's recent history, including the  
22 significant tension between those who seek to transform the  
23 country, and those who wish to continue profiting from the  
24 old ways, is, I believe, of critical importance to  
25 understanding the events you asked me here today to describe.



1 Many of these events, and the false narratives that emerge  
2 from them, resulted from an unfortunate alliance between  
3 Ukrainians who continue to operate within a corrupt system  
4 and Americans who either did not understand that system, that  
5 corrupt system, or who may have chosen, for their own  
6 purposes, to ignore it.

7 It is seems obvious, but I think bears stating under the  
8 circumstances, that when dealing with officials from any  
9 country, or those claiming contacts -- or connections to  
10 officialdom, one must understand their background, their  
11 personal interest, and what they hope to get out of that  
12 particular interaction before deciding how to evaluate their  
13 description of events or acting on their information.

14 To be clear, Ukraine is full of people who want the very  
15 things we have always said we want for the United States, a  
16 government that acts in the interest of the people, a  
17 government of the people, by the people, for the people. The  
18 overwhelming support for President Zelensky in April's  
19 election proved that. And it was one of our most important  
20 tasks at the embassy in Kyiv to understand and act upon the  
21 difference between those who sought to serve their people and  
22 those who sought to serve only themselves.

23 With that background in mind, I would like to briefly  
24 address some of the specific issues raised in the press that  
25 I anticipate you may ask me about today. So just to repeat.

1 I arrived in Ukraine on August 22, 2016, and I left Ukraine  
2 permanently on May 20, 2019. Several of the events with  
3 which you may be concerned occurred before I was even in the  
4 country before I was ambassador. Here are just a few:

5 The release of the so-called Black Ledger, and Mr.  
6 Manafort's subsequent resignation from the Trump campaign.  
7 The Embassy's April 2016 letter to the Prosecutor General's  
8 Office about the investigation into the Anti-Corruption  
9 Action Center or AntAC. And the departure from office of  
10 former Prosecutor General Viktor Shokin, who I have never  
11 met. These events all occurred before I arrived.

12 There are several events that occurred after I was  
13 recalled from Ukraine. These include President Trump's  
14 July 25th call with President Zelensky; all of the many  
15 discussions that have been in the press surrounding that  
16 phone call; and any discussion surrounding the reported delay  
17 of security assistance to Ukraine in summer 2019. So that  
18 happened after I departed.

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1       As for the events during my tenure in Ukraine. I really want  
2       to make clear and I want to categorically state that I have  
3       never, myself or through others, directly or indirectly, ever  
4       directed, suggested, or in any other way asked, for any  
5       government or government official in Ukraine or elsewhere to  
6       refrain from investigating or prosecuting actual corruption.

7               As Mr. Lutsenko, the former Ukraine prosecutor general,  
8       has recently acknowledged, the notion that I created or  
9       disseminated or verbally told him a do-not-prosecute list is  
10      completely false. And that is a story that Mr. Lutsenko  
11      himself has since retracted.

12             Equally fictitious is the notion that I am disloyal to  
13      President Trump. I have heard the allegation in the media  
14      that I supposedly told our embassy team to ignore the  
15      President's orders since he was going to be impeached. That  
16      allegation is false. I have never said such a thing to my  
17      embassy colleagues or anyone else.

18             Next, the Obama administration did not ask me to help  
19      the Clinton campaign, or harm the Trump campaign, and if they  
20      had, I would never have taken any such steps. I have never  
21      met Hunter Biden, nor have I had any direct or indirect  
22      conversations with him. Of course, I have met former Vice  
23      President Biden several times over the course of our many  
24      years in government, but neither he nor the previous  
25      administration ever directly or indirectly raised the issue

1       either of Burisma or Hunter Biden with me.

2               With respect to Mayor Giuliani, I have only had minimal  
3       contact with him, a total of three that I recall. None  
4       related to the events at issue. I do not know Mr. Giuliani's  
5       motives for attacking me. But individuals who have been  
6       named in the press who have contact with Mr. Giuliani may  
7       well have believed that their personal and financial  
8       ambitions were stymied by our anti-corruption policy in  
9       Ukraine.

10              Finally, after being asked by the Department in early  
11       March to extend my tour, to stay on an extra year until 2020,  
12       in late April, I was then abruptly asked to come back to  
13       Washington from Ukraine on the next plane. You will  
14       understandably want to ask why my posting ended so suddenly.  
15       I wanted to learn that, too, and I tried to find out.

16              I met with the Deputy Secretary of State, who informed  
17       me of the curtailment of my term. He said that the President  
18       had lost confidence in me, and no longer wished me to serve  
19       as an ambassador. He added that there had been a concerted  
20       campaign against me, and that the Department had been under  
21       pressure from the President to remove me since the summer of  
22       2018. He also said that I had done nothing wrong, and that  
23       this was not like other situations where he had recalled  
24       ambassadors for cause. I departed Ukraine for good this past  
25       May.

1           Although I understand, everyone understands, that I  
2           served at the pleasure of the President, I was nevertheless  
3           incredulous that the U.S. Government chose to remove an  
4           ambassador based, as far as I can tell, on unfounded and  
5           false claims by people with clearly questionable motives. To  
6           make matters worse, all of this occurred during an especially  
7           challenging time in bilateral relations with a newly elected  
8           Ukrainian President. This was precisely the time when  
9           continuity at the U.S. Embassy in Ukraine was most needed.

10          Before I close, I must share with you the deep  
11          disappointment and dismay I have felt as these events have  
12          unfolded. I have served this Nation honorably for more than  
13          30 years. I have proudly promoted and served American  
14          interests as the representative of the American people and  
15          six different Presidents over the last three decades.  
16          Throughout that time, I, like my colleagues at the State  
17          Department, have always believed that we have enjoyed a  
18          sacred trust with our government.

19          We make a difference every day. And I know many of you  
20          have been out to embassies around the world, and you know  
21          that to be true. Whether it's a matter of war and peace,  
22          trade and investment, or simply helping an American citizen  
23          with a lost passport. We repeatedly uproot our lives, and we  
24          frequently put ourselves in harm's way to serve our Nation,  
25          and we do that willingly, because we believe in America and

1       its special role in the world.

2               We also believe that in return, our government will have  
3       our backs and protect us if we come under attack from foreign  
4       interests.

5               That basic understanding no longer holds true. Today,  
6       we see the State Department attacked and hollowed out from  
7       within. State Department leadership with Congress needs to  
8       take action now to defend this great institution, and its  
9       thousands of loyal and effective employees. We need to  
10      rebuild diplomacy as the first resort to advance America's  
11      interest, and the front line of America's defense. I fear  
12      that not doing so will harm our Nation's interest, perhaps  
13      irreparably. That harm will come not just through the  
14      inevitable and continuing resignation and loss of many of  
15      this Nation's most loyal and talented public servants. It  
16      also will come when those diplomats who soldier on and do  
17      their best to represent our Nation, face partners abroad who  
18      question whether the ambassador really speaks for the  
19      President, and can be counted upon as a reliable partner.

20              The harm will come when private interests circumvent  
21      professional diplomats for their own gain, not for the public  
22      good. The harm will come when bad actors and countries  
23      beyond Ukraine see how easy it is to use fiction and innuendo  
24      to manipulate our system. In such circumstances, the only  
25      interests that are going to be served are those of our

1 strategic adversaries like Russia, that spread chaos and  
2 attack the institutions and norms that the U.S. helped create  
3 and which we have benefited from for the last 75 years.

4 I am proud of my work in Ukraine. The U.S. Embassy  
5 under my leadership represented and advanced the policies of  
6 the United States Government as articulated first by the  
7 Obama administration, and then by the Trump administration.  
8 Our efforts were intended, and evidently succeeded, in  
9 thwarting corrupt interests in Ukraine who fought back by  
10 selling baseless conspiracy theories to anyone who would  
11 listen. Sadly, someone was listening, and our Nation is  
12 worse off for that.

13 So I want to thank you for your attention, and I welcome  
14 your questions. Thank you.

15 THE CHAIRMAN: Thank you very much for your testimony.  
16 Mr. Goldman.

17 MR. ROBBINS: Excuse me, just before we begin. Pardon  
18 me, I have a terrible cold this morning and I apologize if  
19 I'm hard to hear. Mr. Chairman, I'd just like to put the  
20 following on the record before we begin today's deposition.

21 As you know, the Department of State, in which the  
22 ambassador is still employed, has asserted that its lawyers  
23 should be allowed to attend this deposition so that they can  
24 assert privileges or objections the Department might wish to  
25 assert on behalf of the executive branch. As we have told

1       both State Department lawyers and committee lawyers, it is  
2       not our place to get in the middle of that or to take sides  
3       in a dispute between the Congress and the executive branch,  
4       and we don't intend to.

5               Ambassador Yovanovitch has been subpoenaed to testify,  
6       and as we read the law, she is obliged to be here and  
7       testify, and she will. We have repeatedly asked the State  
8       Department's office of the legal advisor to provide us with a  
9       written statement that we could read on their behalf so that  
10      their concerns regarding what they term, quote, "executive  
11      branch confidentiality interests," end quote, could be heard  
12      by this committee. We have asked them to specify in writing  
13      particular topics with respect to which they wish us to point  
14      out their interests. And although we were told we would  
15      receive such a statement, we have not.

16             So that Ambassador Yovanovitch can be as diligent as  
17      possible in complying with her employer's wishes, I will do  
18      my best, during the course of this hearing, to point out  
19      questions that might elicit information that I understand to  
20      fall within the scope of their concerns. I will also tell  
21      you now that the Department told us that they don't want our  
22      appearance today to be construed as a waiver of any  
23      privileges they may hold.

24             I want to be clear that I am not asserting any of those  
25      privileges on the client's behalf because, of course, we



1       don't have a right to assert those privileges at all.  If  
2       they exist, they belong to the Department, and we will, of  
3       course, make those objections subject to whatever ruling the  
4       chair chooses to make in the wake of those objections.

5 And with that on the record, I turn this over to counsel  
6 for the majority.

7 THE CHAIRMAN: Thank you. Mr. Goldman.

8 MR. GOLDMAN: Thank you, Mr. Chairman. Thank you for  
9 that opening statement, Ambassador Yovanovitch. I think  
10 everyone recognizes and appreciates your long service to this  
11 country.

## 12 EXAMINATION

13 BY MR. GOLDMAN:

14 Q We are going to get into the circumstances  
15 surrounding your abrupt removal, but in order, I think, to  
16 fully understand that, we need to back up a little bit. And  
17 I want to focus at the outset on press reports and other  
18 indications of Rudy Giuliani's involvement in Ukraine.

19 When did you first become aware that Rudy Giuliani had  
20 an interest in or was communicating with anyone in Ukraine?

21           A     Probably around November, December timeframe of  
22     2018.

23 Q And describe those circumstances when you first  
24 learned about it.

25 A Basically, it was people in the Ukrainian

1 Government who said that Mr. Lutsenko, the former prosecutor  
2 general, was in communication with Mayor Giuliani, and that  
3 they had plans, and that they were going to, you know, do  
4 things, including to me.

5 Q So you first heard about it from the Ukrainian  
6 officials?

7 A That's correct.

8 Q Did you understand how they were aware of this  
9 information?

10 A So I can tell you what I think, you know, this is  
11 perhaps not a fact. But the impression that I received is  
12 that Mr. Lutsenko was talking rather freely about this in,  
13 you know, certain circles, and so others heard about it who  
14 wanted to let us know.

15 THE CHAIRMAN: Can you move the microphone a little  
16 closer.

17 MS. YOVANOVITCH: Sorry.

18 BY MR. GOLDMAN:

19 Q Were these Ukrainian Government officials?

20 A Yes.

21 Q Can you describe for us who the former Prosecutor  
22 General Lutsenko is, and give us some context as to his  
23 background and what your assessment of him is?

24 A Yeah, he's a Ukrainian politician. He's been in  
25 politics I would say, probably, the last 20 years or so, and

1 he has held many high government positions. He's a political  
2 ally of former President Poroshenko, or at least was until  
3 the time I left, I don't know where that status is now. And  
4 he is a man who was the head of the Poroshenko faction and  
5 the Rada, which is the Ukrainian parliament, until the spring  
6 of 2016 when he was voted in to become the prosecutor  
7 general.

8 Q Is he a lawyer?

9 A No.

10 Q So how did he become the prosecutor general?

11 A Because the Rada had to take a prior vote that  
12 would allow that exception, which I believe is actually even  
13 in the constitution, either constitution or law.

14 Q So he was the prosecutor general the entire time  
15 that you were in Ukraine. Is that right?

16 A That's correct.

17 Q And can you just describe briefly what the role of  
18 the prosecutor general is in Ukraine?

19 A Yes. And because Ukraine is a country in  
20 transition, that role was in the process of becoming  
21 reformed. So the prosecutor general's office is, or  
22 position, is a very powerful one, it's a hold-over from the  
23 Soviet Union days. And that individual is in charge of both  
24 investigatory actions, like the FBI, for example, as well as  
25 the actual prosecution. So it's tremendous power.

1           And Mr. Lutsenko was brought in to reform that office to  
2       split the offices, investigatory and prosecutorial, and to  
3       make real reforms so that -- because the PGO, Prosecutor  
4       General's Office, was viewed as an instrument of corruption  
5       basically, to grant people favors, they could open cases,  
6       they could close cases based on money passing hands or  
7       whatever was most opportune, and it trickled down to the  
8       ordinary people's lives as well. So it was seen as a place  
9       where ironically corruption thrived and he was brought in to  
10      clean that up.

11           Q     Was he successful in cleaning that up?

12           A     No.

13           Q     How would you assess his character?

14           A     He's very smart. He can be very charming. He, I  
15      think, is an opportunist and will ally himself, sometimes  
16      simultaneously, I believe, with whatever political or  
17      economic forces he believes will suit his interests best at  
18      the time.

19           Q     Would you call him someone who is corrupt?

20           A     I have certainly heard a lot of people call him  
21      corrupt, and there are certainly a lot of stories about his  
22      actions that would indicate that.

23           Q     You mentioned in your opening statement that there  
24      were false statements that were spread about you. Was he one  
25      of the individuals who spread those false statements about

1       you?

2           A     Yes.

3           Q     Now, let's go back to first learning about Rudy  
4       Giuliani's involvement. What did you understand in late 2018  
5       to be Mr. Giuliani's interest in Ukraine?

6           A     I wasn't really sure, but he had clients in  
7       Ukraine, so that was one possible thing. But he also  
8       obviously is the President's personal lawyer. So I wasn't  
9       really sure what exactly was going on.

10          Q     Did you come to learn what his interest in Ukraine  
11       was?

12          A     Well, you know, I read the press and watch TV just  
13       like everybody else in this room, so yeah, I learned.

14          Q     Did you have any further conversations with  
15       Ukrainian Government officials about Mr. Giuliani's  
16       activities in Ukraine?

17          A     Yes, I did. Most of the conversations were not  
18       with me directly, people on the embassy staff, but yes, I did  
19       have other conversations.

20          Q     And from your staff members or your own  
21       conversations, what did you come to learn about  
22       Mr. Giuliani's interest in Ukraine?

23          A     That basically there had been a number of meetings  
24       between Mr. Lutsenko and Mayor Giuliani, and that they were  
25       looking -- I should say that Mr. Lutsenko was looking to hurt

1 me in the U.S. I couldn't imagine what that was. But, you  
2 know, now I see.

3 Q What do you see now?

4 A Well, that I'm no longer in Ukraine.

5 Q Fair enough. But describe the evolution of your  
6 understanding as to how Mr. Lutsenko was trying to hurt you  
7 in the U.S.?

8 A I think, and again, I am getting this partly from  
9 conversations with people who may or may not know what really  
10 happened, as well as what has been in the media, both in  
11 Ukraine and here in the United States. So I'll tell you what  
12 I think. I can't say that --

13 Q Let me just interrupt you there. Is some of your  
14 knowledge based on Mr. Giuliani's statements himself?

15 A To the press.

16 Q Okay.

17 A So I think that there was -- Mr. Lutsenko was not  
18 pleased that -- that we continued at the embassy to call for  
19 cleaning up the PGO, the Prosecutor General's Office, and he  
20 came into office with, you know, three goals: One was to  
21 reform the office, one was to prosecute those who killed the  
22 innocent people on the Maidan during the Revolution of  
23 Dignity, and one was to prosecute money laundering cases to  
24 get back the \$40 billion-plus that the previous president and  
25 his cronies had absconded with. None of those things were

1       done. And we thought those were great goals, and we wanted  
2       him to encourage him to continue with those goals. That did  
3       not happen.

4               And so, we continued to encourage him, and I don't think  
5       he really appreciated it. What he wanted from the U.S.  
6       Embassy was for us to set up meetings with the Attorney  
7       General, with the Director of the FBI, et cetera. And he  
8       would say, I have important information for them. As perhaps  
9       many of you know, there are, you know, usual processes for  
10      that kind of thing. We don't have principals meet and, you  
11      know, the foreign principal springs new information that may  
12      or may not be valid to an American cabinet member, we just  
13      don't do that.

14             And so what we kept on encouraging him to do was to meet  
15      with the legat, the legal attache, the FBI at the embassy.  
16      That is precisely why we have the FBI in countries overseas,  
17      to work with host country counterparts and get information,  
18      whatever that information might be, develop cases, et cetera.  
19      He didn't want to share that information. And now, I think I  
20      understand that that information was falsehoods about me.

21             Q     What falsehoods about you?

22             A     Well, for example, as I mentioned in the testimony,  
23      in the statement, the opening statement, that I gave him a  
24      do-not-prosecute list, a list of individuals that he should  
25      not touch.

1 Q And did you do that?

2 A No.

3 Q Did you learn whether there was any additional  
4 information that he wanted to share with U.S. Government  
5 officials?

6 A Well, I think, you know, it was other things along  
7 that line.

8 Q One of the things that has been publicized quite  
9 significantly is information that Prosecutor General Lutsenko  
10 may have had in connection to either Paul Manafort or the  
11 2016 election?

12 A Uh-huh.

13 Q Did you come to learn anything about either of  
14 those topics?

15 A He didn't share anything with me.

16 Q Did he share anything with any other Ukrainian  
17 officials that you then learned about it from, or learned  
18 about this from?

19 A I think, yeah, I think they may have been aware  
20 that that was more broadly what he also might share with  
21 Mr. Giuliani.

22 Q Well, let me ask the question this way: Other than  
23 information about you --

24 A Uh-huh.

25 Q -- what other information did you come to learn



1 while you were at post about what Mr. Lutsenko wanted to  
2 share with American officials?

3 MR. ROBBINS: So you're asking now while she was  
4 ambassador as opposed to things she's read in the paper and  
5 media since she was recalled?

6 BY MR. GOLDMAN:

7 Q Yes, I'm asking while you were there, what did you  
8 understand?

9 A Yeah, it was very amorphous, because while there  
10 was sort of that gossip out there, the gossip that I was  
11 going to be recalled, and you know, people would ask me, and  
12 I'd say No, no, I'm here, I'm working. But it was very  
13 amorphous, and so at the time, I didn't know. When it became  
14 clearer was on March 24th with the publication of The Hill  
15 interview with Mr. Lutsenko.

16 So that, you know, that was sort of the first kind of  
17 public, on the record, in the United States, and then over  
18 the ensuing days there was more in the U.S. media,  
19 Mr. Giuliani spoke publicly, and Donald Trump Jr. also  
20 tweeted that I should be removed.

21 Q So let's separate out your removal from any of the  
22 other information.

23 A Okay.

24 Q Because we are going to get to your removal, and  
25 we're going to focus on that. But just to get the lay of the

1 land here. What did you -- when you referenced The Hill,  
2 what did you come to learn from The Hill about information  
3 that Lutsenko was trying to share?

4 A Well, I think, I mean, I think I've already told  
5 you. So he shared information that there was -- he raised  
6 questions -- again, this happened before I arrived, but he  
7 raised questions about U.S. Government assistance to the PGO,  
8 and whether there was a discrepancy in the funding and  
9 whether he should be investigating it, and that the embassy  
10 had assured him, again, before I arrived, that we had fully  
11 accounted for all U.S. funds, and that we were not concerned  
12 about this. So that was one line that he talked about.  
13 There was the do-not-prosecute list. There was, I mean, you  
14 know, a number of issues.

15 Q Was there anything about the 2016 election or Paul  
16 Manafort?

17 A I think, yeah, I think that was in The Hill article  
18 as well.

19 Q And what about former Vice President Joe Biden or  
20 Burisma?

21 A I think that was in the article as well.

22 Q So after you learned about this in The Hill, did  
23 you have any additional conversations with people, either  
24 Americans in the embassy, or Ukrainian officials about the  
25 reports?

1           A     Well, in the embassy we were trying to figure out  
2     what was going on. I also, of course, was in touch with  
3     folks in Washington at the NSC, and at the State Department  
4     to try to figure out what was this, what was going on.

5           Q     What did you learn?

6           A     Not much. I mean, I think people were not sure.  
7     On the 25th, the day after The Hill article came out, the  
8     State Department had a pretty strong statement that said that  
9     Mr. Lutsenko's allegations were a fabrication, and then, you  
10    know, over the weekend, there was a lot more in the media.  
11    And, you know, the State Department was trying to figure out  
12    how to respond, I think, during that time and the following  
13    week. But I didn't get very much information.

14          Q     At that point, were you aware that Mr. Giuliani had  
15    met with Mr. Lutsenko previously?

16          A     Yeah, I think it became pretty clear.

17          Q     What do you mean by that?

18          A     Because I think it was in the media, and I think  
19    they said it.

20          Q     So at this point, just so we're clear. Mr.  
21    Giuliani was never an employee of the State Department,  
22    right?

23          A     Not to my knowledge.

24          Q     You said that you met with him, I think, three  
25    times. Can you describe those meetings?

1           A     Uh-huh.

2           THE CHAIRMAN: Just ask -- before we get to that,  
3     counsel. Did you know at the time or have you learned since  
4     why Mr. Lutsenko was engaged in pushing out these smears  
5     against you? Why did he want to get rid of you?

6           MS. YOVANOVITCH: Well, again, I can tell you what I  
7     think, but I don't know for a fact.

8           THE CHAIRMAN: You know, based on what you've learned  
9     from colleagues, what you've learned in the press, what is  
10    your best understanding of why Lutsenko was trying to push  
11    you out of Ukraine?

12          MS. YOVANOVITCH: I think that he felt that I and the  
13    embassy were effective at helping Ukrainians who wanted to  
14    reform, Ukrainians who wanted to fight against corruption,  
15    and he did not -- you know, that was not in his interest. I  
16    think also that he was, I mean, it's hard to believe, I think  
17    he was personally angry with me that we weren't -- we did  
18    work with the PGO's office, but he wanted us to work with him  
19    in different ways, you know, and that we didn't have a closer  
20    relationship, and that I was not facilitating trips for him  
21    to the United States with our cabinet members, when there  
22    was, frankly, nothing to talk about because he wasn't a good  
23    partner for us.

24          THE CHAIRMAN: You had mentioned earlier that you were  
25    trying to make sure that Ukrainian officials used proper

1       legal channels --

2               MS. YOVANOVITCH: Yes.

3               THE CHAIRMAN: -- if they had information that they  
4       wanted to share with U.S. law enforcement?

5               MS. YOVANOVITCH: Right.

6               THE CHAIRMAN: Do you think that your insistence or  
7       advocacy for following the proper procedures in terms of  
8       using legat and legal channels was part of the reason why he  
9       wanted you removed?

10              MS. YOVANOVITCH: Maybe. Maybe. I mean, he clearly  
11      wanted to work around the system where I think there's less  
12      transparency, there are more opportunities to, you know, kind  
13      of fiddle the system, shall we say.

14              BY MR. GOLDMAN:

15              Q     Okay. And when you say work around the system, did  
16      you come to understand that that was a role that Mr. Giuliani  
17      could play for him, for Mr. Lutsenko?

18              A     Well, now it certainly appears that way.

19              Q     But when did you come to understand that?

20              A     You know, now, you know, with the advantage of  
21      hindsight, you're going to think that I'm incredibly naive,  
22      but I couldn't imagine all of the things that have happened  
23      over the last 6 or 7 months, I just couldn't imagine it.

24              So we knew that there was something out there. We were  
25      asking ourselves, you know, what is going on? But then it

1       became clear with The Hill interview and all the subsequent  
2       things that came out in the press.

3               Q       So the State Department issued a statement  
4       essentially denying what was reported in The Hill?

5               A       Uh-huh.

6               Q       Did you ever receive any pressure from anyone at  
7       the State Department to reconsider your position or in any  
8       way consider some of the advocacy of Mr. Giuliani?

9               A       I don't quite understand the --

10              Q       I'm wondering if you got any messages or  
11       suggestions or directions from the State Department that were  
12       consistent with what Mr. Giuliani was discussing and what his  
13       interests were?

14              A       No.

15              Q       You also said that, I believe, after this  
16       information came out in The Hill in late March, you had a  
17       number of conversations both with people in the embassy and  
18       people back in Washington. Who were you speaking to within  
19       the State Department about this issue?

20              A       Assistant Secretary -- or Acting Assistant  
21       Secretary Phil Reeker of the European Bureau, who is my boss.  
22       I spoke once with David Hale, who is the Under Secretary for  
23       Political Affairs. And at the NSC with Fiona Hill.

24              Q       And what was the message that you generally  
25       received from them?

1           A     Total support.

2           Q     They understood that this was a fabrication?

3           A     Yeah, I mean, until today, nobody has ever actually  
4     asked me the question from the U.S. Government of whether I  
5     am actually guilty of all of these things I'm supposed to  
6     have done. Nobody even asked, because I think everybody just  
7     thought it was so outrageous.

8           Q     Did you ever have any conversations after November,  
9     December 2018, with Ukrainian officials about Mr. Giuliani up  
10    until the time that you left in May?

11          A     I think perhaps in the February time period, I did  
12    where one of the senior Ukrainian officials was very  
13    concerned, and told me I really needed to watch my back.

14          Q     Describe that conversation.

15          A     Well, I mean, he basically said, and went into some  
16    detail, that there were two individuals from Florida,  
17    Mr. Parnas and Mr. Fruman, who were working with Mayor  
18    Giuliani, and that they had set up the meetings for  
19    Mr. Giuliani with Mr. Lutsenko. And that they were  
20    interested in having a different ambassador at post, I guess  
21    for -- because they wanted to have business dealings in  
22    Ukraine, or additional business dealings.

23          I didn't understand that because nobody at the embassy  
24    had ever met those two individuals. And, you know, one of  
25    the biggest jobs of an American ambassador of the U.S.

1 Embassy is to promote U.S. business. So, of course, if  
2 legitimate business comes to us, you know, that's what we do,  
3 we promote U.S. business. But, yeah, so --

4 Q So did you deduce or infer or come to learn that  
5 the business interests they had were therefore not  
6 legitimate?

7 A Honestly, I didn't know. I didn't know enough  
8 about it at the time. I thought it was exceedingly strange.  
9 And then later on in April -- at some point in April, there  
10 was an open letter, as it's called, from somebody in the  
11 energy business, Dale Perry, who kind of put out a lot of  
12 information of meetings that individuals had had, and he also  
13 indicated that these two individuals wanted a different  
14 ambassador in place, that they had energy interests that they  
15 were interested in, according to this open letter, that they  
16 had energy interests, selling LNG to Ukraine.

17 Again, you know, that's like apple pie, motherhood,  
18 obviously we would support exporting LNG to Ukraine at the  
19 U.S. embassy.

20 Q Is that because in part --

21 MR. ROBBINS: For the benefit of the court reporter,  
22 that's LNG, which stands for, I believe, liquefied natural  
23 gas.

24 BY MR. GOLDMAN:

25 Q Can explain why you supported the export of LNG to



1 Ukraine?

2 A Well it never actually came up. But if an American  
3 business walks through the door, we usually help them.

4 Q And am I correct that the importation of LNG into  
5 Ukraine would alleviate Ukrainian dependence on oil from  
6 other countries, including Russia?

7 A Yeah, I mean, multiple sources of supply are always  
8 an important thing.

9 Q Who was the Ukrainian -- senior Ukrainian official  
10 that you spoke to in February of Parnas and Fruman?

11 A Minister Avakov, A-V-A-K-O-V.

12 Q And just for the record, what is he the minister  
13 of?

14 A He was then and he is still now in the new  
15 administration, Minister of Interior.

16 Q Had he spoken with either Mr. Giuliani, Mr. Parnas,  
17 or Mr. Fruman directly, to your knowledge?

18 A He told me that Mr. Giuliani was trying to reach  
19 out to him, and had actually reached him when Mr. Avakov was  
20 in the United States in either late January or early  
21 February, and they had spoken briefly on the phone, but that  
22 he didn't actually want to meet with Mayor Giuliani because  
23 of his concerns about what they were doing.

24 Q What were his concerns as expressed to you?

25 A He thought it was -- so he thought it was very

1 dangerous. That Ukraine, since its independence, has had  
2 bipartisan support from both Democrats and Republicans all  
3 these years, and that to start kind of getting into U.S.  
4 politics, into U.S. domestic politics, was a dangerous place  
5 for Ukraine to be.

6 Q Why did he think that he would be getting into U.S.  
7 domestic politics by speaking with Mr. Giuliani?

8 A Well, because -- well, he told me that, but because  
9 of what you had mentioned before, the issue of the Black  
10 Ledger. Mr. Manafort's resignation from the Trump campaign  
11 as a result. And looking into that and how did all of that  
12 come about; the issue of whether, you know, it was Russia  
13 collusion or whether it was really Ukraine collusion, and,  
14 you know, looking forward to the 2020 election campaign, and  
15 whether this would somehow hurt former Vice President Biden.  
16 I think he felt that that was just very dangerous terrain for  
17 another country to be in.

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1 [11:39 a.m.]

2 BY MR. GOLDMAN:

3 Q So your understanding in February and your meeting  
4 with Minister Avakov was that he was aware at that time of  
5 Mr. Giuliani's interests in those topics?

6 A Yes.

7 Q Did you have an understanding as to whether other  
8 Ukrainian Government officials were also aware of  
9 Mr. Giuliani's interest in those specific topics?

10 A I -- I got the impression that it was relatively  
11 openly discussed at the very, very most senior levels, but  
12 nobody else was sharing this with me at that time.

13 Q And so, was it your understanding that the Minister  
14 Avakov or other senior Ukrainian officials were aware of  
15 Mr. Giuliani's connection to President Trump?

16 A Yes, everybody knew that.

17 Q What did they know?

18 A That he was the President's personal lawyer.

19 Q Was it your understanding that they believed that  
20 Rudy Giuliani spoke on behalf of, or for the President?

21 A I think -- I think they didn't know. I think they  
22 hoped that he did, and --

23 Q Hoped that he did or didn't?

24 A Hoped -- well, the individuals who were meeting  
25 with Mr. Giuliani certainly hoped that Mr. Giuliani was

1 speaking on behalf of the President.

2 Q Why did they hope that?

3 A Because I think that they were hoping that -- so in  
4 the case of Mr. Lutsenko, I think he was hoping that  
5 Mr. Giuliani would open doors for him in Washington. I think  
6 that he was also hoping in the early period -- you need to  
7 remember that this was during presidential elections in  
8 Ukraine. And President Poroshenko, the polling numbers were  
9 not good for him.

10 And so I think there was always a hope that President  
11 Trump would endorse President Poroshenko. And so this is  
12 something that President Poroshenko wanted. And I think  
13 Lutsenko -- Mr. Lutsenko was hoping that maybe, as a result  
14 of providing information that is of interest to Mr. Giuliani  
15 that maybe there could be an endorsement.

16 Q So in addition to Mr. Lutsenko, were the other  
17 Ukrainian officials that you spoke to, such as Minister  
18 Avakov, also aware of this connection?

19 A Which connection?

20 Q Sorry, between Mr. Giuliani and Mr. Trump.

21 A Yes.

22 Q And did they under -- I guess I'm trying to  
23 understand why it was of concern to the more anticorrupt or  
24 democratic Ukrainian officials about Mr. Giuliani's  
25 activities there, and what they perceived Mr. Giuliani to be

1       representing.

2           A     Well, I think, first of all, they weren't entirely  
3       sure, right? And they -- but I think that what they hoped is  
4       that they could -- you know, that they would get something  
5       out of the relationship as well.

6           Am I not understanding the question?

7           THE CHAIRMAN: Let me ask one clarification. You  
8       described the conversation you had with Minister --

9           MS. YOVANOVITCH: Avakov.

10          THE CHAIRMAN: -- Avakov, and the minister raising  
11       concerns about how the actions of these two individuals or  
12       Mr. Giuliani might pull Ukraine into U.S. politics. And you  
13       mentioned the Manafort ledger. You mentioned the issue of  
14       Ukraine collusion versus Russian collusion.

15          Did the issue also come up in that conversation or  
16       others about the Giuliani and his associates' interest in the  
17       Bidens and Burisma?

18          MS. YOVANOVITCH: Yeah. I mean, looking backwards to  
19       what happened in the past, with a view to finding things that  
20       could be possibly damaging to a Presidential run.

21          THE CHAIRMAN: By Joe Biden?

22          MS. YOVANOVITCH: Uh-huh.

23          BY MR. GOLDMAN:

24          Q     That was a yes, just for the record?

25          A     Yes.

1           Q     Thank you.

2           You mentioned this Minister Avakov, who still is the  
3 Interior Minister. Are you aware of whether he took a trip  
4 to the United States in or about April of this year?

5           A     I'm not aware of that. It doesn't mean he didn't,  
6 but I'm not aware.

7           Q     As the ambassador, how involved were you in  
8 organizing any government-led trips for any Ukrainians to go  
9 to the United States?

10          A     So it really depends. I mean, Ukrainians are here  
11 probably in many of your offices every day of the week. And  
12 sometimes, the embassy is facilitating that, the embassy in  
13 Kyiv is facilitating that, and sometimes people are making  
14 independent trips and so forth.

15          You know, when it's higher level, for Ministers in this  
16 example, you know, often people have private visits to the  
17 United States, like Mr. Lutsenko did when he met with Mr.  
18 Giuliani in January. Mr. Avakov came to the United States  
19 and was promoting a book once, for example. And we didn't --  
20 obviously, that is not U.S. Government business, so we  
21 didn't, you know, facilitate all of that. But when he was  
22 going officially and meeting with counterparts, we would  
23 definitely facilitate with that.

24          Q     After your conversation with Mr. Avakov in  
25 February, did you report back to the State Department what he

1       said?

2           A     Yes.

3           Q     And what was the feedback that you got from your  
4       superiors at the State Department?

5           A     Well, you know, everybody is sort of shocked. We  
6       have a long relationship with Mr. Avakov, and the things he  
7       has told us are mostly credible. You know, we kind of tried  
8       to find out more about that and what was going on, but, you  
9       know, not with any results.

10          Q     Was there concern that Mr. Giuliani was actively  
11       involved at the highest levels of the Ukrainian Government at  
12       this point?

13          MR. ROBBINS: Sorry, concern by whom?

14          BY MR. GOLDMAN:

15          Q     Within the State Department.

16          A     Yes, but, you know, I mean, we now have lots more  
17       information than we did at the time. And so, you know, we  
18       were trying to put our arms around it. We weren't quite sure  
19       what was going on.

20          Q     Was Mr. Giuliani representing the State Department  
21       when he was having these conversations with Ukrainians?

22          A     No, no.

23          Q     And after this meeting with Minister Avakov, who  
24       did you speak to at the State Department?

25          A     I don't really recall, but it would either have

1       been Phil Reeker, the Acting Assistant Secretary of State --  
2       and I'm pausing because maybe he wasn't already encumbering  
3       that job -- or it would have been Deputy Assistant Secretary  
4       George Kent.

5               Q     Did you communicate -- how did you communicate  
6       usually with Washington from the embassy?

7               A     On -- well, we communicate with Washington in many  
8       different ways, but on this, it was either on a secure phone  
9       or in what we call a SVTC, a secure video teleconference.

10              Q     Any cables on the topic?

11              A     No.

12              Q     Why not?

13              A     It just felt too political.

14              Q     So your concern at this point was that this was  
15       political, that this related to domestic politics, which --  
16       and explain why that was a concern of yours?

17              A     Well, you know, as I stated in my opening  
18       statement, in the Foreign Service at embassies, we have to  
19       leave politics in the United States. I mean, we represent  
20       all Americans. We represent our policy. And for us to  
21       start, you know, meddling around in, you know, Presidential  
22       elections, politics, et cetera, we lose our credibility that  
23       way. We need to be, you know, as credible to this side of  
24       the aisle as to that side of the aisle. And so, we didn't  
25       know what was going on, but I was not comfortable with



1        putting anything in front channel.

2            Q        You mentioned this information from Dale Perry.  
3        Who is Dale Perry?

4            A        He had an energy company in the Ukraine, which,  
5        according to this open letter that he put out in April, he  
6        was kind of putting on pause for a while.

7            Q        He was putting his company on pause?

8            A        I said that kind of loosely, but I think that he  
9        was going to be -- it's been a long time since I've read it.  
10       He was going to, you know, focus on his business in the  
11       United States rather than in the Ukraine. Maybe that's a  
12       better way of putting it.

13          Q        And can you describe the sum and substance of this  
14       open letter and why it caught your eye in particular?

15          A        Well, because it was the first -- except for the  
16       meeting with Mr. Avakov, it was the first time that I heard  
17       the names of Mr. Parnas and Fruman. And there was some  
18       detail there about meetings and so forth.

19          Q        And what did you come to understand about  
20       Mr. Parnas and Mr. Fruman?

21          MR. MALONEY: Excuse me. Would it be possible for the  
22       witness to speak into the microphone?

23          MS. YOVANOVITCH: Yes, of course. I'm sorry.

24          I'm sorry, what was the question?

25          BY MR. GOLDMAN:

1           Q     I asked what the open letter revealed about  
2     Mr. Parnas and Mr. Fruman?

3           A     That they had business interests in the United  
4     States, that they were looking to, I think expand is probably  
5     a better way of putting it, their business interests in  
6     Ukraine through this energy company, and that they needed a  
7     better ambassador to sort of facilitate their business'  
8     efforts here.

9           Q     And at that point, did you understand what their  
10    concern was about you?

11          A     Not really. I found it completely mysterious.

12          Q     And did you learn whether Mr. Giuliani shared the  
13    concerns of Mr. Parnas and Mr. Fruman in and around April?

14          A     I don't recall when, you know, when -- well,  
15    actually, I think Mr. Avakov actually mentioned it to me in  
16    February, that these were the two individuals that had helped  
17    Mr. Lutsenko make contact with Mr. Giuliani.

18          Q     And did you become aware of whether Mr. Parnas and  
19    Mr. Fruman met with any other senior Ukrainian officials?

20          A     I'm not aware of it.

21          Q     Other than encouraging your -- or speaking out  
22    against you, was there anything else in that Dale Perry open  
23    letter that was particularly relevant to your role as the  
24    ambassador in Ukraine?

25          A     I don't recall. I mean, I simply don't recall.

1           Q     Now, let's talk for a second about the three  
2     contacts you had with Mr. Giuliani. Can you describe those  
3     for us?

4           A     Uh-huh. The first time I met Mr. Giuliani was in  
5     the 2003-2004 timeframe, and I was the deputy at the embassy  
6     in Ukraine. And Mayor Giuliani placed a courtesy call with  
7     his wife on our ambassador at the time, Ambassador Herbst.  
8     And the ambassador asked me to sit in on that call.

9           Q     Okay. Did you -- let me ask it this way: While  
10    you were ambassador of Ukraine, did you ever meet with  
11    Mr. Giuliani?

12          A     Yes, I met with him twice. The first time was in  
13    the spring, I think it was June of 2017, 2017. And -- yes,  
14    it was 2017. It was at a dinner that one of the -- Victor  
15    Pinchuk, who's a businessman/oligarch in Ukraine, and he has  
16    a YES Foundation where he invites prominent people from all  
17    over the world, not just Americans, to come and address  
18    students and do various things. And then he always has a  
19    dinner where he invites, you know, top Ukrainian politicians  
20    and several ambassadors.

21          So it was a dinner for about 25 people, and then at the  
22    end of that dinner, I introduced myself to Mayor Giuliani as  
23    the ambassador.

24          Q     And did you talk about anything more substantively  
25    than small talk?

1           A     No. I mean, I introduced myself. I told him, you  
2 know, if there was anything I could do to help him, I'd be  
3 happy to help.

4           Q     And then when was the next time?

5           A     And then the next time was that fall in November of  
6 2017, where he invited me -- he was coming to Ukraine, and  
7 through one of his associates, he invited me to a breakfast  
8 at the hotel that he was staying in.

9           Q     Who was his associate?

10          A     John Huvane, H-u-v-a-n-e.

11          Q     And what was the purpose of the breakfast?

12          A     I wasn't exactly sure. But, you know, obviously  
13 Mayor Giuliani is an important person in the United States,  
14 and so I agreed to go. And he -- yeah. So not quite clear  
15 why he wanted me there.

16          Q     What did you discuss at the breakfast?

17          A     He -- it was -- he had just been in Kharkiv, which  
18 is a city to the north in Ukraine, and he had -- some of the  
19 people who were present -- I don't recall all of the people  
20 who were present -- are from -- were from Kharkiv, one of the  
21 Rada deputies from Kharkiv, also a businessman and oligarch  
22 named Fuchs from Kharkiv.

23                So he had just been up there, and he had been talking to  
24 the mayor, Mayor Kernes, about helping them set up a system  
25 similar to our 911 system; and then the other thing is

1 helping them set up police forces, city police, municipal  
2 police forces similar to our own, because in Ukraine it's all  
3 run at the national level.

4 Q And so you never -- you didn't speak to him  
5 since --

6 A No.

7 Q -- November 2017?

8 A No.

9 Q Are you aware of whether Mr. Giuliani spoke to  
10 anyone else in the embassy in Kyiv?

11 A I don't think so. I think they would have told me  
12 if that had been the case.

13 Q How about Mr. Parnas or Mr. Fruman?

14 A No. When the open letter came out, I did ask our  
15 economic and couns -- excuse me, commercial attaches whether,  
16 you know, I mean, did these individuals reach out and were  
17 they interested in setting stuff up and how did we help them,  
18 because clearly we hadn't helped them very well. And nobody  
19 had heard those names before.

20 Q Was it your view that what you understood  
21 Mr. Giuliani's efforts to be in Ukraine, did they contradict,  
22 to your understanding, U.S. policy in Ukraine?

23 MR. ROBBINS: I'm sorry, are you asking whether she  
24 formed that view while she was in office or whether, in  
25 retrospect, she has that view today?

1 BY MR. GOLDMAN:

2 Q Let's start while you were in office. In the  
3 February meeting with Minister Avakov, where you understood  
4 that Mr. Giuliani was promoting -- well, let me ask you, was  
5 he promoting investigations related to Paul Manafort and the  
6 collusion and Burisma and Joe Biden?

7 A It wasn't entirely clear to me what was going on.  
8 I mean, I'm sorry to be not specific, but it wasn't entirely  
9 clear.

10 Q But you understood that he was speaking to the  
11 Prosecutor General Lutsenko about those topics?

12 A Uh-huh, uh-huh.

13 Q Sorry, you need to say yes.

14 A Yes. Excuse me.

15 Q And what was your assessment of whether those  
16 interests -- or how did those interests relate to official  
17 U.S. policy?

18 A Well, I mean, when I think about official U.S.  
19 policy, I think of people who are in government shaping that  
20 policy, creating the policy, or implementing it, whether they  
21 are in the executive branch or, you know, in Congress.  
22 Obviously, there's a partnership there for that. So private  
23 individuals, for the most part, I mean, that's not official  
24 U.S. anything.

25 Q Right. And so, as someone who was effecting

1       official U.S. policy, what was your view of Mr. Giuliani's  
2       efforts there?

3           A     Well, we were concerned, like I said. You know, I  
4       mean, we talked to Washington, what do you think is going on  
5       here? It was worrisome, in the sense that the Ukrainians  
6       also didn't know how to understand it. And obviously, some  
7       felt that they could -- like Mr. Lutsenko, that they could  
8       manage that relationship and it would benefit them.

9           Q     Now, you came to understand, right, that  
10      Mr. Giuliani was pushing Mr. Lutsenko to open investigations  
11      into these topics, is that right, while you were there?

12          A     You know, it's hard to remember when exactly I sort  
13      of put it together.

14          Q     Well, Mr. Lutsenko -- while you were still there,  
15      Mr. Lutsenko announced the initiation of investigations on  
16      these topics. Do you recall that?

17          A     I guess I haven't at the moment, but --

18          Q     I'm sorry?

19          A     No.

20          THE CHAIRMAN: Let me, just for clarification, follow up  
21      on my colleague's question. He asked you about whether what  
22      you understood at the time to be the efforts of Mr. Giuliani  
23      and his associates were furthering, or antagonistic to U.S.  
24      policy interests.

25          If Mr. Giuliani and his associates were pushing Ukraine

1 to involve itself in U.S. domestic politics, let alone the  
2 2020 election, would that have been inconsistent with U.S.  
3 policy, inconsistent with U.S. interests?

4 MS. YOVANOVITCH: I mean, I think the short answer is  
5 probably yes. I mean, I don't think we had a policy --  
6 because this is sort of unprecedented. It's not like we had  
7 a policy that Ukraine should not become involved in our  
8 domestic politics or, you know, somehow become involved in  
9 2020 elections, but clearly, that is not in U.S. interests  
10 for Ukraine to start playing such a role.

11 THE CHAIRMAN: And it wouldn't be in Ukraine's interests  
12 either?

13 MS. YOVANOVITCH: No.

14 BY MR. GOLDMAN:

15 Q Would you call that, to some extent,  
16 antidemocratic?

17 A Let me just say that I think that American  
18 elections should be for Americans to decide.

19 Q Do you recall a speech you gave on March 5th?

20 A I do.

21 Q And I believe in that speech, you said that it  
22 is -- I don't remember the exact quote, but it is  
23 inappropriate for governments to engage in domestic politics  
24 in other countries. Is that right?

25 A Yes.



1           Q     Or, actually, in their own -- I don't think you  
2 specified as to other countries, right?

3           A     I don't actually recall saying that particular  
4 thing, but I'll take your word for it.

5           Q     It was an interesting quote so -- here it is. I  
6 believe you said: Government resources should never be used  
7 to target political opponents.

8           A     Yes.

9           Q     What did you mean by that at that time?

10          THE CHAIRMAN: Could you move the microphone a little  
11 closer.

12          MS. YOVANOVITCH: Yes. Thank you for reminding me.  
13 What I meant was -- I mean, this was a speech where it was  
14 during Presidential elections, and what we were seeing was  
15 that President Poroshenko's polls were going down. There  
16 were a lot of people afraid that Poroshenko was going to lose  
17 and what would that mean for them and their interests. And  
18 so we were seeing the rollback of some reforms that the  
19 Poroshenko administration had done, and that we had, you  
20 know, thought was very important that we had helped them  
21 with.

22               And so that was the purpose of that speech was to say,  
23 these are important accomplishments, and you need to keep on  
24 working at that and don't roll it back.

25               And so that particular point was that in the former

1       Soviet Union, in a number of countries, including Ukraine at  
2       one time, if you're in power you have a lot of what they call  
3       administrative resources, especially in a country where there  
4       is, you know, a vertical power, as they call it, where the  
5       President can tell the mayor, or the governor, because they  
6       appoint those individuals, you need to, you know, bring out  
7       this crowd, here's money to pay off voters or whatever. And  
8       so that was a reference to that, that that is not an  
9       acceptable practice.

10           Q     So you were trying to promote in Ukraine the idea  
11       that politicians targeting their political rivals was  
12       inappropriate, right?

13           A     Well, I mean, democracy is all about the  
14       competition between political rivals, but one needs to do it  
15       in an appropriate way and not take government resources to do  
16       so.

17           Q     Would that also apply to using government resources  
18       to impact elections in other countries?

19           A     Yeah. I mean, I would think so, although, again,  
20       that was not the purpose of this speech.

21           Q     Understood. Were you aware, after you expressed  
22       your concerns back to the State Department in D.C., were you  
23       aware whether anyone tried to curtail Mr. Giuliani's  
24       activities in Ukraine?

25           A     I -- curtail? I don't know. I don't know. I

1       mean, I think there was concern.

2           Q     Okay. And did anyone act on that concern in any  
3       way?

4           A     I'm not sure. I'm not sure.

5           Q     You don't know of anything, but you can't be sure  
6       whether anyone did or not?

7           A     Yes.

8           Q     Did you document these concerns anywhere?

9           A     Yes. At the request -- and as I said before, I  
10       don't -- I didn't want to put anything in writing, certainly  
11       not front channel; but at the request of Under Secretary  
12       Hale, he asked me to send him a classified email, sort of  
13       putting out what -- this would have been like about March,  
14       like, maybe 27th, 28th, that Sunday that the tweet came out.  
15       And he asked me to send him an email on the classified system  
16       putting down my understanding of what was going on, which was  
17       very unformed still, and then why were people doing this.  
18       And so I did send that email to him.

19          Q     Did this follow the conversation that you had with  
20       Mr. Hale?

21          A     Yes.

22          Q     Can you describe the nature of that -- the nature  
23       and substance of that conversation with Mr. Hale?

24          A     Well, I had told -- I had sent an email to the  
25       State Department, because there was just an avalanche of

1 attacks on me, on the embassy, in the press, and sort of  
2 Twitter storms and everything else. And so, I had told David  
3 Hale, among others, via email, that the State Department  
4 needed to come out and come out strong, because otherwise it  
5 just wasn't a sustainable position.

6 Q Why not?

7 A Well, if you have the President's son saying, you  
8 know, we need to pull these clowns, or however he referred to  
9 me, it makes it hard to be a credible ambassador in a  
10 country.

11 Q And so what did you want Mr. Hale to do?

12 A What I wanted was the Secretary of State to issue a  
13 statement that said that, you know, I have his full  
14 confidence or something like that, to indicate that I, in  
15 fact, am the ambassador in Ukraine, and that I speak for the  
16 President, for the Secretary of State, for our country.

17 Q In contrast to Mr. Giuliani?

18 A I didn't put it that way.

19 Q But was that what you meant?

20 A Well, what I meant was that -- exactly what I just  
21 said.

22 Q So it wasn't necessarily in direct relation to  
23 Mr. Giuliani. It was as much in response to the attacks on  
24 you from --

25 A Yes.

1 Q -- others, including the President's son?

2 A Yes.

3 Q And what did Mr. Hale say in response to that  
4 request?

5 A He said he would talk to the Secretary.

6 Q Did you ever hear back about that?

7 A No.

8 Q Was a statement ever issued?

9 A No.

10 Q Did you ever speak to the Secretary directly --

11 A No.

12 Q -- about any of this?

13 A No.

14 Q Did you ever speak to Ulrich Brechbuhl directly  
15 about this?

16 A No. So I spoke with the Acting Assistant Secretary  
17 Phil Reeker, and he was talking I think to people on the  
18 seventh floor about this.

19 Q So Mr. Reeker was relaying messages?

20 A Uh-huh.

21 Q And did he relay back to you what the responses  
22 were from the seventh floor?

23 A Yes.

24 Q And what were those?

25 A I was told that there was caution about any kind of

1 a statement, because it could be undermined.

2 Q I'm sorry, it could be what?

3 A It could be undermined.

4 Q The statement could be undermined?

5 A Uh-huh.

6 Q By whom?

7 A The President.

8 Q In what way?

9 A Well, a tweet or something. I mean, that was not  
10 made specific to me.

11 THE CHAIRMAN: I just want to make sure I'm  
12 understanding. The statement you're talking about, is that  
13 the requested statement by the Secretary of State?

14 MS. YOVANOVITCH: Yeah.

15 THE CHAIRMAN: So you were informed, basically, that the  
16 statement was not going to be issued by the Secretary of  
17 State because it could be undermined by the President?

18 MS. YOVANOVITCH: Yes. No statement was going to be  
19 issued, not by the Secretary, not by anybody else.

20 THE CHAIRMAN: Because if the Secretary did issue a  
21 statement, it might be undermined by the President?

22 MS. YOVANOVITCH: Uh-huh.

23 THE CHAIRMAN: Is that a yes?

24 MS. YOVANOVITCH: Yes, that is a yes.

25 BY MR. GOLDMAN:

1           Q     Now, you say you sent this email to Mr. Hale on the  
2     classified system, but were any of the contents of the email  
3     actually classified or was it just in order to maintain  
4     confidentiality?

5           A     I think it was just that it was so sensitive that,  
6     you know, I wouldn't have wanted to put it on the open  
7     system.

8           Q     Okay. I'll probably circle back to this a little  
9     bit in the next -- in our next round, but I want to just jump  
10    for the last couple minutes to the April 21st phone call that  
11    President Trump had on election night with President  
12    Zelensky.

13          A     Yes.

14          Q     Did you know that that call was going to happen?

15          A     Yeah, uh-huh.

16          Q     When did you learn that it was going to happen?

17          A     We had been recommending it, because it was clear  
18    that Zelensky was going to win, and win in a landslide. So  
19    we had been recommending it, you know, probably the previous  
20    week and, you know, as we thought about elections, even prior  
21    to that, you know, what is our engagement going to be with  
22    the new team and so forth?

23                And so most appropriate is for the President of the  
24    United States to make a call, and he did, on that Sunday  
25    night I think it was, Ukraine night.

1 Q Did you help prepare the President for the call in  
2 any way?

3 A No.

4 Q Were you on the call?

5 A No.

6 Q Did you listen in?

7 A No.

8 Q Were you provided with a transcript or a summary of  
9 it?

10 A No.

11 Q Did you get a readout of what --

12 A All I was told is that it was a good call and the  
13 two Presidents hit it off.

14 Q Who --

15 A And that it was a short call.

16 Q Who told you this?

17 A I -- I don't recall, actually. It was somebody in  
18 the State Department probably.

19 THE CHAIRMAN: Can I just ask on that, would it be  
20 customary for the ambassador to get a readout of a  
21 conversation between the President of the United States and  
22 the President of the country to which they're the ambassador?

23 MS. YOVANOVITCH: It depends on the administration.

24 THE CHAIRMAN: Okay. Would it be useful, as ambassador,  
25 to know --



1 MS. YOVANOVITCH: It would be very useful.

2 BY MR. GOLDMAN:

3 Q And when you say, it depends on the administration,  
4 what happened in the Obama administration?

5 A We would get a transcript.

6 Q You would get a transcript?

7 A Uh-huh.

8 Q And what happened during your tenure in the Trump  
9 administration?

10 A And when I say "transcript," I mean, sometimes it  
11 was a transcript, sometimes it was a summary.

12 And what was your question?

13 Q And what happened in the Trump administration?

14 A Well, there weren't that many calls, at least to  
15 Ukraine. And, you know, sometimes we would get sort of an  
16 oral readout or, you know, brief little points, but never  
17 a -- to my recollection, at least, never a full, you know,  
18 transcript.

19 Q And what about in the Bush administration, when you  
20 were an ambassador in W. Bush?

21 A Right. Again, because I was in Kyrgyzstan and  
22 Armenia, there weren't that many Presidential calls.

23 Q Understood.

24 MR. GOLDMAN: I think our time is up. So we'll resume  
25 after the minority, but would you like to take a quick

1 bathroom break?

2 MR. ROBBINS: For sure.

3 THE CHAIRMAN: Let's take a 5-minute break and resume.

4 [Recess.]

5 THE CHAIRMAN: All right, folks. Let's come back to  
6 order. Counsel for the minority, you have one hour.

7 BY MR. CASTOR:

8 Q Good afternoon, Ambassador, Steve Castor with the  
9 Republican staff. Thanks for coming in. And I'd like to  
10 state at the outset, I'm not a career Foreign Service person.  
11 I'm a congressional staffer and have been for some time,  
12 specializing in investigations.

13 So, to the extent I mispronounce some of these names or  
14 mix up something, please accept my apologies in advance. I  
15 mean no disrespect. Our staff, and certainly our members,  
16 have the utmost respect for you and for the men and women of  
17 the Foreign Service, and they do such an important job on the  
18 front lines of diplomacy. So --

19 A Thank you.

20 Q Can you just help us understand the direction  
21 you've been given, in terms of what constitutes executive  
22 branch confidentiality and privileges?

23 MR. ROBBINS: So anything she would know, Mr. Castor, on  
24 that subject, she would know through advice of counsel. So  
25 would you just as soon get that information from me, since it

1       would be privileged coming from her?

2               MR. CASTOR: Certainly, sir.

3               MR. ROBBINS: So I tried to share that with you at the  
4       outset. The State Department has advised us, in discussions  
5       that we've had with them, that there may be communications as  
6       to which they would wish to assert not executive privilege as  
7       such, because that's a privilege that belongs to the  
8       President, but, rather, a different category of privilege  
9       which extends, in their view, to executive communications  
10      between members of the executive branch other than direct  
11      communications with the President himself.

12              Because I thought it appropriate to assert on their  
13      behalf such privileges where they were appropriate, I invited  
14      them to give us a document, a letter, if you will. I believe  
15      I shared this fact with you over the phone.

16              I had reason until yesterday to believe that we would,  
17      in fact, receive such a letter, which I had told them I would  
18      share with the committee at the outset of these proceedings  
19      so that the scope of their objections would be clear at the  
20      outset, and it would spare me the obligation of having to  
21      anticipate what those objections might be.

22              In the end, for reasons I cannot provide, because I  
23      don't know, I never received such a letter. So I guess I  
24      could do my best to tell you what I think they think, but I  
25      can't be sure I'm right.

1 MR. CASTOR: Thank you.

2 BY MR. CASTOR:

3 Q Ambassador, do you believe you're authorized to  
4 testify here today, on behalf of the State Department?

5 MR. ROBBINS: That sounds like a -- calls for a legal  
6 conclusion. I can tell you, as her counsel, that -- and I  
7 believe, again, you know all these things since I've shared  
8 them all with you as I have with majority counsel -- she  
9 received a direction by the Under Secretary to decline to  
10 appear voluntarily.

11 It did not address the question whether she should or  
12 should not appear in response to a subpoena. A subpoena  
13 thereafter issued. She is here pursuant to that subpoena. I  
14 have shared with both sides of the aisle a letter explaining  
15 why, in my view, it was appropriate, indeed required, for her  
16 to appear pursuant to that subpoena.

17 The question whether she is, quote/unquote, "authorized"  
18 strikes me as a question of law. As I expect you know, she  
19 is not a lawyer, and anything she would venture on that  
20 question would be the result of privileged communications,  
21 which I am directing her not to reveal.

22 BY MR. CASTOR:

23 Q Can you help us understand the Washington chain of  
24 command, how administration policy was communicated to you?

25 A Yes. I mean, you know, it happens in different

1       ways, but, you know, we communicate by phone, through cable  
2       traffic, through emails. And because Ukraine, you know, it  
3       was a very challenging period during the time that I was  
4       there. It was a very challenging period during the time that  
5       I was there. And so we often would have interagency meetings  
6       via secure teleconferencing. And so, you know, through all  
7       those ways, you know, we work as a team together.

8               Q     And who did you report to back in Washington?

9               A     Either Assistant Secretary Wess Mitchell, and then  
10       when he left, Acting Assistant Secretary Phil Reeker. They  
11       are my, you know, formal bosses, shall we say. The  
12       day-to-day was generally with the Deputy Assistant Secretary.  
13       So in the beginning, it was Bridget Brink, and then it was  
14       George Kent.

15              And just to clarify, not all communication goes through  
16       me. We have a big interagency at the embassy, and so, you  
17       know, there's lots of communication back and forth.

18              Q     And what communications did you have with the White  
19       House or the National Security Council?

20              A     There was less of that. The State Department, as  
21       you may know, likes to manage that themselves through  
22       Washington, and -- but often, they were on emails. Sometimes  
23       I would reach out, hopefully always copying my colleagues at  
24       the State Department, and that sort of thing.

25              Q     You mentioned --

1           A     And they would be obviously running the interagency  
2 meetings.

3           Q     You mentioned Dr. Fiona Hill this morning --

4           A     Yes.

5           Q     -- as one of the National Security Council  
6 officials that was in your -- in this area of interest?

7           A     Uh-huh. Yes.

8           Q     Any other National Security Council officials? Was  
9 she your primary liaison at NSC?

10          A     Uh-huh.

11          Q     And how frequently did you communicate with her?

12          A     Not that often.

13          Q     By "not that often," is that weekly, monthly?

14          A     Yeah. I mean, on the phone, fairly rarely. You  
15 know, interagency meetings, you know, we would have them.  
16 She wouldn't always chair them, but, you know, sometimes --  
17 it would depend what would happen, but every 2 weeks.

18                I'm being helped here.

19                Yes. And -- I'm sorry, I've lost my train of thought.  
20 So how often --

21          Q     Communicate with Fiona Hill?

22          A     But she would be on emails too.

23          Q     Was she providing direction to you, or were you  
24 providing direction to her? How did that information flow?

25          A     Well, it's a partnership. I mean, obviously, the

1 NSC works for the President directly. And so, you know, they  
2 may share information or tell us what to do, and we provide  
3 information about what's going on in the field. We provide  
4 suggestions. You know, in the previous example about the  
5 telephone call between -- the first telephone call between  
6 President Trump and President Zelensky, we thought that that  
7 was an important first step in engaging a new administration,  
8 for example.

9 Q Can you tell us about the political environment in  
10 the Ukraine leading up to the election of President Zelensky?

11 A Well, it was -- so 5 years after the Revolution of  
12 Dignity. And the Revolution of Dignity really sparked a big  
13 change in Ukraine. I think the Poroshenko administration did  
14 a lot, but, clearly, the electorate felt that it didn't do  
15 enough.

16 And so Zelensky in two rounds won over 70 percent of the  
17 vote. I mean, that's a pretty big mandate. And I think it  
18 seemed to be based on this issue of corruption. He said it  
19 was his number one goal, although he was also very focused on  
20 bringing peace to the country in the Donbass.

21 And I think that there was, you know, as is true, I  
22 think, probably in any country during Presidential elections,  
23 a lot of -- a lot of concerns among people. This was I think  
24 a big surprise for the political elite of Ukraine, which is  
25 relatively small. And so, I don't think they saw it coming

1 really until the very end. And, so, there was surprise and,  
2 you know, all the stages of grief, anger, disbelief, how is  
3 this happening?

4 Q When did you and the embassy first realize that  
5 Zelensky may be elected?

6 A Well, we were watching the polls. I mean, you  
7 know, that's one of the things we do. And he was rising in  
8 the spring and kind of over the summer, but, you know, not  
9 much happens over the summer. So I asked to meet with him  
10 for the first time in September of 2018.

11 Q And at what point did you realize that he was  
12 likely to win?

13 A You know, it's hard to look back and actually know  
14 without sort of reference to notes and stuff. I think -- I  
15 mean, we were taking him seriously, very seriously by  
16 December. And, you know, January, February, I think we felt  
17 he was probably going to be the next President.

18 Q And how did you feel about that? What were your  
19 views of Zelensky? Did you think he was going to be a good  
20 advocate for the anticorruption initiatives, as he was  
21 campaigning on?

22 A We didn't know. I mean, he was an untried  
23 politician. Obviously, he has a background as a comedian, as  
24 an actor, as a businessperson, but we didn't know what he  
25 would be like as a President.



1 Q And what were your views on President Poroshenko?

2 A I think President Poroshenko, you know, like many  
3 leaders, is a very complicated man. And so he has worked  
4 in -- he has been active in Ukrainian politics since, I want  
5 to say, the late 1990s, certainly the early 2000s, when I was  
6 there before. He is a businessman and very accomplished in  
7 many different ways.

8 And he came into office -- I believe he might be the  
9 only President who was voted into office in the first round,  
10 not going to a second round. People really wanted to give  
11 him that mandate, because the country was in a surprising war  
12 in 2014, and they thought that even though he was an oligarch  
13 himself, that he could bring the country forward.

14 And I think what we've seen in his administration is  
15 that he made a lot of important changes. There were more  
16 reforms in Ukraine during President Poroshenko's term than,  
17 frankly, in all the preceding -- under all the preceding  
18 Presidents.

19 But I think that, you know, as time passed, as the,  
20 shall we say the old system wasn't as scared anymore as they  
21 were in 2014, as they felt there was more space to kind of  
22 pursue their own interests, it became harder to pursue those  
23 reforms and there was less interest. Because when you  
24 reform, especially on the very sensitive issue of corruption  
25 issues, every time you make a decision, you're probably going

1       against your own interests or a friend's interests or  
2       something like that when you make a new law or whatever it  
3       might be. And so it's hard.

4               And so there was kind of a slowing down. And I think  
5       what we've seen in 2014, in 2019, is that what the Ukrainian  
6       people want is transformation. They don't want just a couple  
7       of changes here and there and kind of sugarcoating it on the  
8       top.

9               Q       So the Ukrainian people thought that he wasn't  
10       changing fast enough?

11              A       That is our analysis.

12              Q       And that first became real crystal clear in  
13       December 2018, or --

14              A       Well, no. I mean, he was -- in about 2016, he was  
15       starting to go down in the polls, before I arrived. And I  
16       think it's because there was a lot of political in-fighting  
17       between him and his prime minister. People apparently didn't  
18       like that. But I think there was also a sense in the country  
19       that he was attending to his own personal interests as well,  
20       and people didn't appreciate that.

21              Q       And can you explain a little bit about how, as the  
22       ambassador, you have to toggle between the current President,  
23       the incumbent President, and what could be a new President?

24              A       Right, right. So, you know, our role is obviously  
25       to represent the United States, but it's also to, you know,

1 meet with as many different kinds of people as possible, as  
2 many political forces as possible, not just me, but, you  
3 know, there's a whole embassy that is involved in this, and,  
4 you know, to get information, obviously, so that we can let  
5 Washington know what we think is happening in a country, what  
6 our analysis is of this, what it means for our interests, and  
7 provide advice, policy options for how to move forward.

8 I mean, often Presidents don't like it when you are  
9 meeting with their political rivals, but, I mean, we're  
10 pretty transparent, and we let people know that, you know,  
11 this is what the U.S. does. We meet with everybody who's a  
12 legitimate political force out there. And, you know, often  
13 the other -- we wouldn't, you know, publicize it, but often,  
14 the people that we are meeting with do. So it wasn't like  
15 there were any secrets or anything like that.

16 And, you know, you do business with the current  
17 President. You do -- you -- we talked to his campaign  
18 manager often about, you know, where they were, what their  
19 strategies were, what they thought was going to happen, et  
20 cetera, et cetera. We met with, you know, not just Zelensky  
21 but with the others who were running for President. And we  
22 conveyed that back to Washington.

23 Q And what do you think President Zelensky felt about  
24 you?

25 A Well, until I read the -- you know, the summary of

1 the conversation of the July 25th call, I thought he liked  
2 me.

3 Q So the transcript of the July 25th call took you by  
4 surprise?

5 A Yes.

6 Q And do you have any reason to know why President  
7 Zelensky felt that way?

8 A Well, I can't say I know. I can't say I know.

9 Q What do you think?

10 A Well, what I think is that he thought that that  
11 would be something pleasing for President Trump.

12 Q Do you think that some of the interested parties  
13 that you discussed in the first round this morning had gotten  
14 to Zelensky, or do you think Zelensky had just --

15 MR. ROBBINS: Do you really want her to engage in that  
16 degree of speculation? I mean, she'll answer the question,  
17 but she's already made clear that she was totally surprised  
18 by the contents of that conversation. So anything she could  
19 tell you -- and she will respond, but it's all guesswork. If  
20 that's what you'd like, that's what she'll give you.

21 BY MR. CASTOR:

22 Q Have you learned anything since that information  
23 came out to help you better understand exactly what happened  
24 leading up to that call?

25 A The July 25th call?

1           Q     Yes.

2           A     No.

3           Q     The various anticorruption initiatives in Ukraine,  
4           could you walk us through sort of the landscape of the  
5           various entities? There's, you know, the National  
6           Anticorruption Bureau, and then the prosecutor general has a  
7           special prosecutor. Could you sort of walk us through the  
8           anticorruption institutions?

9           A     Uh-huh. So after the 2014 elections, the Ukrainian  
10          people had made clear in that election that they were done  
11          with corruption, and they wanted to live a life with dignity,  
12          called the Revolution of Dignity. And what that term means  
13          for Ukrainians is that it's rule of law, that what applies to  
14          you applies to me. It doesn't matter whether, you know, we  
15          hold different jobs or different status in society. It  
16          should be about the rule of law. And we wanted to support  
17          that effort, and there was kind of an all-out effort.

18          And in the very, very beginning, one of the things --  
19          and the Ukrainians, and we supported them in other ways on  
20          anticorruption issues, but I will just address the question.  
21          So they thought that it would be a good idea to set up this  
22          architecture, as you call it, of a special investigative  
23          office that would be all about the crimes of corruption above  
24          a certain level of public officials. And so it would be  
25          devoted to that. So they would set up that organization,

1 kind of like an FBI, but for a particular mission.

2 Secondly, there would be a special independent  
3 anticorruption prosecutor, which, as you said, reported to  
4 Mr. Lutsenko. And then there would be a special  
5 anticorruption court. So that you would have, you know, this  
6 continuum of new organizations with vetted individuals who  
7 are trained who are handling these crimes, people who would  
8 get reasonable salaries so that they wouldn't actually be  
9 forced to go out and take bribes.

10 And so when I arrived in the summer of 2016, August  
11 2016, the NABU, the investigatory branch had already been  
12 established, as had the anticorruption prosecutor, they were  
13 all -- they were both established. The court was not  
14 established until much later, and it only started working in  
15 September of this year, September 2019.

16 So, you know, first of all, I mean, there's so many  
17 forces working against these courts, but it was -- against  
18 these institutions, but it was also kind of an issue that  
19 when they had court cases ready to go, they would go into the  
20 same old court system as before, which had not been reformed  
21 at that time.

22 Q And who was the special prosecutor?

23 A Mr. Kholodnitsky.

24 Q Was he the only special prosecutor or did somebody  
25 precede him?

1           A     He's the only one.

2           Q     And he's still there today?

3           A     Yes. I believe so. Yes.

4           Q     What is your impression of his work? Better than  
5     Lutsenko, worse?

6           A     Well, if I may, I don't think that comparisons are  
7     helpful here. I think that in the beginning, perhaps  
8     Kholodnitsky was committed, you know, to his mission, but I  
9     think over time, there's a lot of pressure, as I said, from  
10    all of the forces that will, you know, help you with funding,  
11    shall we say, or, alternatively, have what they call  
12    kompromat, or compromising information on you. They play  
13    hardball there.

14          And so I think it became harder and harder to resist,  
15    and it appeared that he was not making progress in the way  
16    that we had originally hoped. And then he was -- there was a  
17    tape that was revealed where he was heard coaching  
18    individuals on how to testify and various other things. And  
19    so that's clearly not an acceptable practice for a  
20    prosecutor.

21          Q     Who was he trying to coach?

22          A     I don't recall at the moment.

23          Q     Was he trying to coach people that were under  
24    actual investigation?

25          A     Yes. I'm sorry, I didn't realize. I thought you

1        wanted the name. Yeah.

2            Q        And he reported to Lutsenko?

3            A        Yeah. It was kind of complicated. I think it  
4        was -- he did. Although it was sort of more of a dotted  
5        line, but yes, he did report to Mr. Lutsenko.

6            Q        And what was your relationship with Kholodnitsky?  
7        Did you have meetings with him? Did you have an exchange of  
8        ideas?

9            A        I mean, yes, but not very often. We had a -- you  
10       know, many other people in the embassy handled that  
11       relationship.

12          Q        Now, during your tenure, did you ever have to call  
13       for the resignation or firing of any Ukrainian official?

14          A        In the speech that you referred to on March 5th,  
15       when we were very concerned about some of the rollbacks, as I  
16       said, as they were looking at the Presidential elections  
17       coming up. And one of the things I said is that it was  
18       inappropriate, or words to that effect, for somebody who had  
19       engaged in those kinds of activities to still be in his job.

20          Q        Was that taken as that you were calling for  
21       Kholodnitsky's ouster?

22          A        Uh-huh.

23          Q        And was that position something that you carefully  
24       thought out before the speech, or was it just a product of  
25       where the conversation took you? Did you go into the speech



1 knowing that you were going to be --

2 A Yes.

3 Q You did, okay.

4 And was that the position of the embassy?

5 A Yes.

6 Q And, so, you planned that out, and before you did  
7 that, did you make any -- your position known? Did you try  
8 anything on the nonpublic side?

9 A Yes.

10 Q And could you describe those efforts?

11 A We worked with Mr. Lutsenko on that, because he was  
12 one of the individuals -- there were various stages, and he  
13 was one of the people who was responsible at the end.

14 Q This do-not-prosecute list -- and you'll have to  
15 excuse me if -- you know, you've stated that it's been --  
16 Lutsenko's recanted various statements about the  
17 do-not-prosecute list, but if I may, can I walk through with  
18 you your understanding of where this comes from?

19 A Uh-huh.

20 Q Okay. How many -- how frequently did you meet with  
21 Lutsenko?

22 A Maybe about 10 or 12 times over 3 years, maybe  
23 more.

24 Q Was it a regular -- did you have like a regular  
25 standing meeting --

1           A     No.

2           Q     -- or did you just meet with him when he asked you?

3           A     As with, you know, Mr. Kholodnitsky, we have a  
4     pretty big embassy in Ukraine, and so there are a number of  
5     offices that handle law enforcement or prosecutorial, et  
6     cetera, issues.

7                 And so those people mostly handle those relationships.  
8     And, you know, if there was a need for me to meet with him  
9     then I would meet with him, or if he requested a meeting, for  
10    example.

11          Q     When did the do-not-investigate list first come  
12    into your awareness?

13          A     From --

14          MR. ROBBINS: I'm sorry, forgive me, but that question  
15    sort of presupposes that it's an actual thing.

16          MR. CASTOR: Well, it's an allegation that Lutsenko has  
17    made.

18          MR. ROBBINS: Would you mind just rephrasing it? When  
19    did the allegation of such a list come to your attention as  
20    opposed to presupposing that it's an actual thing in the  
21    world, which it is not.

22                 BY MR. CASTOR:

23          Q     When did this allegation first come to your  
24    attention, and when do you think Lutsenko is alleging the  
25    communication happened between you and him?

1           A     Well, according to the article, or the interview in  
2     The Hill, from, I think, it was March 24th, that's when I  
3     first became aware of these allegations. And he claims that  
4     it was -- in that interview, he claimed that it was in the  
5     first meeting with me.

6           Q     And when was the first meeting with him, if you can  
7     remember generally?

8           A     October 2016.

9           Q     So clearly, this took you by surprise. Is that  
10    fair?

11          A     That is very fair.

12          Q     And did you communicate your surprise or your anger  
13    to Lutsenko's office or him directly after it came to your  
14    attention?

15          A     I don't think so. I didn't think there would have  
16    been any point in that.

17          Q     Or by that time, had your relationship soured to  
18    the point where it wasn't worth it to you?

19          A     Well, I wasn't aware until I read that article of  
20    how sour the relationship was.

21          Q     After the article, did you have any meetings with  
22    Lutsenko?

23          A     No.

24          Q     When is the last time you met with him?

25          A     You know, maybe in the fall of 2018.

1           Q     Did you develop any intelligence between the fall  
2 of 2018 and March 24th that the relationship with Lutsenko  
3 has gone south?

4           A     Well, as I described previously, Mr. Avakov let me  
5 know that Mr. Lutsenko was communicating with Mr. Giuliani.

6           Q     When was the meeting with Avakov, again?

7           A     In February of 2019.

8           Q     When you read about this allegation, why didn't you  
9 try to reach out to Lutsenko and holler at him and say, Why  
10 are you saying this? This is completely untrue.

11          A     I didn't really think there was any point.

12          Q     Did any of your embassy staff communicate at a  
13 lower level?

14          A     I'm sure they did, but I don't know.

15          Q     But not at your behest?

16          A     No.

17          Q     When you were in your opening statement this  
18 morning, which, by the way, I'm not sure if you brought  
19 copies of that, but it might be helpful for the members.

20               MR. ROBBINS: We're happy to provide whatever you need.

21               MR. CASTOR: You're making some copies, okay. We heard  
22 during the break that The Washington Post has it and there's  
23 all sorts of discussion about it, and so here in the secure  
24 environment, we --

25               MS. LI WAI SUEN: It was provided electronically before.

1 We provided an electronic copy to the House staff.

2 MR. CASTOR: Okay, me? Okay. We didn't get a copy of  
3 it so --

4 MS. RUBENSTEIN: We provided it to the security folks,  
5 is that who? It wasn't provided to either Democratic or  
6 Republican staff, as we understand it.

7 BY MR. CASTOR:

8 Q Anyway, it's apparently been provided to The  
9 Washington Post, so some of our members during the break  
10 asked me to ascertain if you know how that may have happened.

11 MR. ROBBINS: Anything she would know about that, she  
12 would know through counsel, so she's not going to answer  
13 that.

14 MR. CASTOR: Did you provide it to The Washington Post?

15 MR. ROBBINS: I'm not going to answer that either.

16 MR. CASTOR: Why?

17 MR. ROBBINS: Because I'm not going to answer that.

18 MR. MEADOWS: Steve, can I ask one follow-up?

19 MR. CASTOR: Certainly, sir.

20 MR. MEADOWS: So, Counselor, if, indeed, you gave it to  
21 The Washington Post, did you believe that that was something  
22 that would be supported by this committee?

23 MR. ROBBINS: I'm sorry, I'm not going to engage in any  
24 answers regarding work product or attorney-client privilege,  
25 and I'm not the witness. So if you have another pending

1        question for the ambassador, you should ask it.

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1 [12:57 p.m.]

2 MR. MEADOWS: Ambassador, are you aware of anyone  
3 connected to you that might have given that to The Washington  
4 Post?

5 MR. ROBBINS: Anything she would know regarding that,  
6 she would know through counsel, if at all, and she's not  
7 going to answer that question.

8 MR. ZELDIN: Are you saying that it's subject to an  
9 attorney-client privilege, your communications with The  
10 Washington Post?

11 MR. ROBBINS: I'm sorry. Any communication that she may  
12 have had between -- no, no. Well, they have a copy. We made  
13 the copies available to the security -- to the security folks  
14 for the committee from either side of the aisle.

15 Anything that the witness knows -- and I'm not saying  
16 she knows anything -- but anything she knows, she would know  
17 through counsel, and she's instructed not to answer that  
18 question.

19 MR. ZELDIN: Are you asserting an attorney-client  
20 privilege for communications that you have had with The  
21 Washington Post?

22 MR. ROBBINS: No. Let me try it again. I'm asserting  
23 an attorney-client privilege with respect to communications  
24 between me and the witness.

25 The question is pending to the witness. The question

1       was, does the witness know how, if at all, The Washington  
2       Post got a copy of this document. That calls for privileged  
3       communications, period. That's the subject of my objection.

4               MR. JORDAN: I think that, Mr. Chairman, you can  
5       instruct him to answer that question, I believe. And I would  
6       also ask, did --

7               THE CHAIRMAN: Counsel will please direct their  
8       questions to the witness and leave the counsel for the  
9       witness to advise the witness of what the witness can answer  
10      or not answer based on attorney-client privilege.

11              MR. JORDAN: Did -- if I could, Ambassador, did prior --  
12      if, in fact, you did -- did you talk to the State Department  
13      about the possibility of releasing your opening statement to  
14      the press?

15              MS. YOVANOVITCH: I haven't talked to the State  
16      Department.

17              MR. ROBBINS: You can answer that.

18              MS. YOVANOVITCH: I haven't talked to the State  
19      Department.

20              MR. JORDAN: Did your counselor talk to the State  
21      Department about releasing your opening statement to the  
22      press?

23              MR. ROBBINS: Same exact objection. She would know  
24      that, if at all, only by virtue of privileged communications  
25      between the lawyers and her, and she's not going to answer



1       that.

2               Next question.

3               MR. CASTOR: There's a -- you know, part of our  
4       deposition rules, there's a prohibition against disclosing  
5       the contents of the testimony. And so in case that's helpful  
6       for you to understand why there's some concern.

7               MR. ROBBINS: Yeah. I'm totally mindful of that.

8               MR. ZELDIN: Ambassador Yovanovitch --

9               THE CHAIRMAN: Let me clarify for the Members. There's  
10       no prohibition on what this witness can say to us or to the  
11       public. The Members are prohibited from discussing the  
12       contents of the deposition.

13              MR. ZELDIN: Ambassador Yovanovitch, do you believe that  
14       it is appropriate for your opening statement to be provided  
15       to The Washington Post?

16              MR. ROBBINS: If you have an opinion on that, you can  
17       answer it.

18              MS. YOVANOVITCH: I think that there's a lot of interest  
19       in this deposition.

20              MR. ZELDIN: Is it your opinion that only your opening  
21       statement should be provided to The Washington Post?

22              MR. ROBBINS: If you have a view on that, you can answer  
23       it.

24              MR. BITAR: Sorry. For the record, the opening  
25       statement is being circulated in hard copy. It was provided

1 prior to the interview to the nonpartisan security staff of  
2 the House Intelligence Committee. They had not made  
3 sufficient copies at the time, but at the request, more  
4 copies were made and they are circulating now, so all Members  
5 should have a copy. Thank you.

6 MR. ZELDIN: Ambassador Yovanovitch, would you like to  
7 answer that question? Do you believe that only your opening  
8 statement should be provided to the press?

9 [Discussion off the record.]

10 MR. ROBBINS: If you have an opinion, you can answer his  
11 question.

12 MS. YOVANOVITCH: Okay. I actually don't really have an  
13 opinion on that. I haven't thought about this in terms of  
14 what is most appropriate or not appropriate to share with the  
15 greater public, but I do know that there is a lot of interest  
16 in this.

17 BY MR. CASTOR:

18 Q How did the -- how does the embassy and the State  
19 Department collect information from social media?

20 A I'm sorry. Could you repeat?

21 Q Could you help us understand how the embassy and  
22 the State Department back in Washington collects information  
23 on social media?

24 A I can't really answer the question, because I don't  
25 know all the inner details of how the press section works to

1       gather information. But they provide us with a press  
2       summary, or they used to provide me, I mean. They provide  
3       the embassy with a press summary and it goes out to other  
4       people at the State Department as well.

5           Q     And is part of that monitoring social media  
6       accounts from --

7           A     Yeah. I mean, in today's age, yeah, social media  
8       is really important.

9           Q     And who determines which social media accounts are  
10      monitored?

11          A     I don't really know. I mean, I think it's probably  
12      a corporate decision in the press section of what are the  
13      issues that we're most interested in at the time. And I'm  
14      sure that over time it often changes, because, you know,  
15      different media influencers, or whatever you call them, you  
16      know, are into different topics that might be of interest to  
17      us.

18          Q     And when the efforts to bring you back took shape,  
19      did the embassy begin to step up their efforts in trying to  
20      figure out where these initiatives were coming from by  
21      looking at social media accounts?

22          A     Well, I think what the embassy was -- you know,  
23      after the March 24th Hill article, I think then -- and then  
24      there was just an explosion in parts of the media and on  
25      social media. And so -- so we, you know, were interested in,

1       you know, kind of keeping track of the story so that we would  
2       know what was going on.

3               Q     And --

4               A     Because, I mean, there's an interest -- obviously,  
5       I had an interest since I was being directly attacked --

6               Q     Yeah.

7               A     -- but there's also -- I mean, it's not like the  
8       Ukrainians where we were working were not following this as  
9       well. And so, you know, one had to be aware.

10              Q     Are you familiar with something called CrowdTangle?

11              A     No.

12              Q     It's a software for mining open source materials.

13              A     Uh-huh.

14              Q     So you're not familiar with that?

15              A     No.

16              Q     At any point did you -- did you know who, you know,  
17       which Americans were being monitored?

18              MR. ROBBINS: I'm sorry. By "monitored," you mean --

19              MR. CASTOR: On the social media. We were talking about  
20       social media, mining social media, trying to better  
21       understand --

22              MR. ROBBINS: I'm sorry. Mining? That is to say, like,  
23       data mining?

24              MR. CASTOR: Yes.

25              MR. ROBBINS: Okay. Are you presuming that there was

1 data mining going on?

2 MR. CASTOR: Presuming that social media -- it's my  
3 understanding of her testimony that social media accounts  
4 were studied and examined and --

5 MR. ROBBINS: I'm sorry. Do you want to restate your  
6 testimony as to how social media is followed in the embassy  
7 at the time you were ambassador, because I think there may be  
8 a misunderstanding about the nature of that work?

9 MS. YOVANOVITCH: Yeah. And, honestly, I don't really  
10 know. I mean, I received the finished product, which is a  
11 summary of what folks in the press section thought was the  
12 most important, you know, whether it's hard print, a CNN or a  
13 FOX interview, you know, tweets or Facebook postings or  
14 whatever. I'm not -- I'm just not involved in the details of  
15 how -- how things happen, you know, how --

16 BY MR. CASTOR:

17 Q And do you know if the embassy staff that dealt  
18 with this liaised with Washington for extra assistance or did  
19 they handle it all themselves?

20 A At a certain point, to take advantage of the 7-hour  
21 time difference, because this was, you know, kind of a  
22 pretty -- pretty big task for our press section, they did  
23 request assistance from -- from Washington, yes.

24 Q And who in Washington is responsible for that?

25 A Public Affairs in the European Bureau was who I

1 think that they reached out to.

2 Q And did you have any discussions with any officials  
3 in D.C. about that?

4 A Yeah. I felt that our staff in Kyiv was really  
5 being kind of run ragged, and could we get some more  
6 assistance.

7 Q And who did you speak with?

8 A I know I spoke with George Kent. I'm not sure if I  
9 spoke with anybody else. And he was, just to remind, he was  
10 the deputy assistant secretary. So -- yeah.

11 Q And did you have a request or did your media  
12 affairs officials put the request through? Did you just ask  
13 for resources or did you ask for a specific request?

14 A Well, we thought that what would be most helpful,  
15 since it was a 7-hour time difference, that, you know, when  
16 we, you know, go home, that maybe Washington could take over,  
17 like, looking and seeing what, you know, what's playing out  
18 in real time, and they could do a little summary and, you  
19 know, send it back to us so that we could have that kind of  
20 really good coverage.

21 Q And did that occur?

22 A No.

23 Q And did you ask for reasons why that didn't occur?

24 A Well, I mean, what we were told is that folks in  
25 Washington were too busy to do this, et cetera, et cetera. I

1 mean, it's always kind of a, you know, personnel or resource  
2 issue and so forth.

3 Q Okay. How many times did you discuss this with  
4 George Kent?

5 A I don't know. Maybe once or twice.

6 Q Once or twice.

7 A I mean, I don't recall.

8 Q Is it possible your staff was having additional  
9 communications with George Kent's folks?

10 A Oh, I'm sure, yeah.

11 Q And did they get any feedback as to why they  
12 couldn't support the request?

13 A Yeah. I mean, it was a resourcing issue, is my  
14 understanding.

15 Q It was a resource issue?

16 A Yeah.

17 Q Were there certain political --

18 A And so, I mean, so they would -- you know,  
19 obviously it's dealt with at the working level first. And  
20 then when there was no, shall we say, the kind of response we  
21 would have liked, then I talked to George at some point and  
22 saying, Really, you know, you really can't help us? And the  
23 answer was no.

24 Q In your opening statement, I guess it's page 6 --

25 A I might have different pagination.

1 Q Oh, okay.

2 A Okay. I have different pagination, I believe, from  
3 you, so you might have to --

4 Q It's page 6 of the statement, the bullet point. It  
5 begins with, "As for events during my tenure in Ukraine."

6 A Uh-huh.

7 Q "I want to categorically state that I have never  
8 myself or through others directly or indirectly ever  
9 directed, suggested, or in any way asked for any government  
10 or government official in Ukraine or elsewhere to refrain  
11 from investigating or prosecuting actual corruption."

12 Was there ever an initiative to urge the, you know, any  
13 of these prosecutors from not prosecuting good government,  
14 you know, people that were interested in good government and  
15 anticorruption initiatives?

16 A Could you restate that question?

17 Q Was there ever any communication to the prosecutors  
18 offices whether they should not prosecute people in favor of  
19 supporting anticorruption initiatives, good government  
20 actors? Were the good government actors ever at risk for  
21 prosecution?

22 A Yeah. I mean, it happens all the time. It's one  
23 of the ways that a corrupt government can pressure people.

24 Q And did you or the embassy ever urge the prosecutor  
25 not to prosecute those individuals that were in favor of good



1 government and anticorruption initiatives?

2 A Well, what we would say is that any kind of  
3 prosecution of whoever, whether they are, you know, good  
4 actors or bad actors, needs to be done according to the law  
5 and there needs -- and it needs to be not politically  
6 motivated.

7 Q And so the question is, did you ever think that  
8 someone was being prosecuted wrongly because they were a good  
9 government actor, they were trying to support anticorruption  
10 initiatives?

11 A I think there was probably a lot of politically  
12 motivated prosecution going on in Ukraine.

13 Q And did you ever urge the prosecutor not to  
14 prosecute those individuals or entities?

15 A I think that -- I think there's kind of a line  
16 there. And so, you know, conversations about you need to be  
17 sure that, you know, there is a real case that is not  
18 politically motivated, that this isn't just harassment and  
19 pressure, so those conversations, you know, certainly took  
20 place.

21 Q And were names used?

22 A Yeah, probably.

23 Q And entities?

24 A I'm not -- no.

25 Q Can you remember the names?

1           A     I think that the -- the head of NABU was -- there  
2     were a number of cases that looked like harassment cases to  
3     us that were opened up against him.

4           Q     And can you think of anybody else?  Who's the head  
5     of NABU?

6           A     You know, I'm sorry, I'm blanking on his name right  
7     now.

8           Q     Can you think of anybody else, other than the head  
9     of NABU, that was -- that you urged not to prosecute?

10          A     I wouldn't say it like that.

11          Q     Okay.  How would you say it?

12          A     I would say that when we had conversations, we  
13     would say that any prosecutions need to be done, you know,  
14     legally, by the law, not politically motivated.

15          Q     But then you indicated that actual names did come  
16     up from time to time?

17          A     Well, the only one I can recall is NABU, and I'm  
18     not even recalling that, but I will in a second.

19          Q     Is Sintac the right name?

20          A     Sytnyk.

21          Q     Sytnyk.  Okay.

22          A     Thank you.

23          Q     Can you remember any other names?

24          A     No.

25          Q     But there were names?